

# STATEMENT OF DEFENSE

Barto and Donna Price

## BCDC ENFORCEMENT

Case No. ER2020.021

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### STATEMENT OF DEFENSE - BARTO and DONNA PRICE

#### BCDC ENFORCEMENT CASE ER2020.021

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A

FAMILY GUN CLUB; AN INTRODUCTION---Declaration by Barto Price, Owner  
2 Pierce Road.  
Suisun, California

Donna and I were looking for a property in the Suisun Marsh and wanted a property that we could go to within an hour from our home in Pleasanton. So in late February, 2008 we found the Family Gun Club; it was just what we were looking for so we purchased it.

The Suisun Marsh is rich in history. In cleaning up the main house we found books of the Family Gun Club history. All the people were members from 1898 to date. The Parish Family started the Family Gun Club, and there was fishing and duck hunting on the property. The members and owners would come in by train and would stop at the front door of the club (**Exhibit Intro A**). Some of the members in the day were such people as Andy Devine, Bing Crosby, Howard Hughes (**Exhibit Intro B**). As we were cleaning up we also found log books (**Exhibit Intro D**) and more pictures of the water tower, buildings, barn, boat house and pond see **Exhibit Intro C** about the club and the history was unbelievable. **Exhibit Intro E** is a survey map from Solano County dated August, 1916 showing 12 buildings on the property, many still there in a different state of repair.

I met Bill Esola after we purchased the Family Gun Club. Bill and his brother Ray grew up at the Pierce Harbor Resort, which property adjoined ours on the south side. Bill told me all the history about the property and said he would be happy to manage the property for Donna and I. It was just what we needed. So in March, 2008, Bill took over the club. At the time the club was in very bad shape. All the flood gates were bad and we had garbage everywhere, tires, big rocks, metal scraps, telephone poles lumber. So Bill went to work and started cleaning up the property. At this time I was travelling a lot and I was on road about 32 weeks a year so Donna and I didn't spend much time---maybe 15-20 days a year at the property. Bill and our son in law, Darin, along with hired day-laborers cleaned it up. Once a year I would meet and go over the annual wetland maintenance permit and fill them out together with Bill. Bill would also help me to budget for new work and repairs.

In 2008 we took bids for new work and repairs, we started the re-hab of some of the buildings. He contacted Matt Ellsworth Construction, Inc. for the work. In 2009-2010 we contracted Matt Ellsworth to add on to the mud room and re-work the existing decoy and boat house. In 2010 Bill told me that the barn was taken down in the past due to being in bad shape by the old owner. But all the main structural parts except vertical poles were stacked on the old footprint of the building and could be reused. Bill took bids to re-install the Old Barn and the Mud Room addition. (**See Exhibit Intro F**)

In 2014, February, Bill was very sick and passed away. I lost my great manager but also a great Family Gun Club friend. After Bill's passing in 2014 I decided to take over management of the Family Gun Club. In 2018-2019 Donna and I moved to the property full time. In 2020 I got a letter posted to our gate telling us to contact Solano County, Scott Tippet, code enforcement so I did.

I called Scott and he told me that we had buildings that were not permitted, I was shocked about that and called Matt Ellsworth contractor and found out his number was not in service so I called around and found out that Matt passed away. So in checking I found out that Matt did not pull any of the permits for the work which we paid him for (**Exhibit Intro F**). I called Scott Tippet from Solano County and met with him and Priscilla Njuguna from BCDC on the property (July 21, 2020). I told them both I would get going on permitting everything, Priscilla told me to get the county permits first and then to proceed getting BCDC permits. See **Exhibit Intro G** which is the site visit report by Priscilla Njuguna on July 21, 2020 and **Exhibit H** which is her follow up letter of August 5, 2020. A significant part of both are the concluding second to last paragraph of **Ex G** and the second

paragraph of Ex H where she confirms that before applications for permits on buildings will be submitted to BCDC they will first go through the County approval process. I've gotten many of the permits done and working on the last 3 now. Attached hereto as Exhibit Intro I is an April 28, 2022 email from Denise Felling of Solano County Building Permits reporting on the status of the various permits I have applied for when this whole problem of permits came to light in 2020. Some have been issued and are now final, others are still in review. The ones that are final are ready for submission to BCDC for review and hopefully retroactive permits. The question is what fine or penalty has to be paid for BCDC to issue the permits, that is one of the subjects of these proceedings. I was told by Priscilla and it is in her Exhibit G site visit report that the penalty for any BCDC retroactive permits will be "double permit fees."

I would just like to tell BCDC that I'm an environmentalist and I have since 1960 as an Eagle Scout have worked on many cleanup projects. Over 20 years I have permitted everything. You can see in 2015 I have permitted all my work I have done.

So in closing my wife and I are here to work with the County and BCDC. This is the first time we have had anything like this happen.

I hope we can work together in solving the problems on our property.

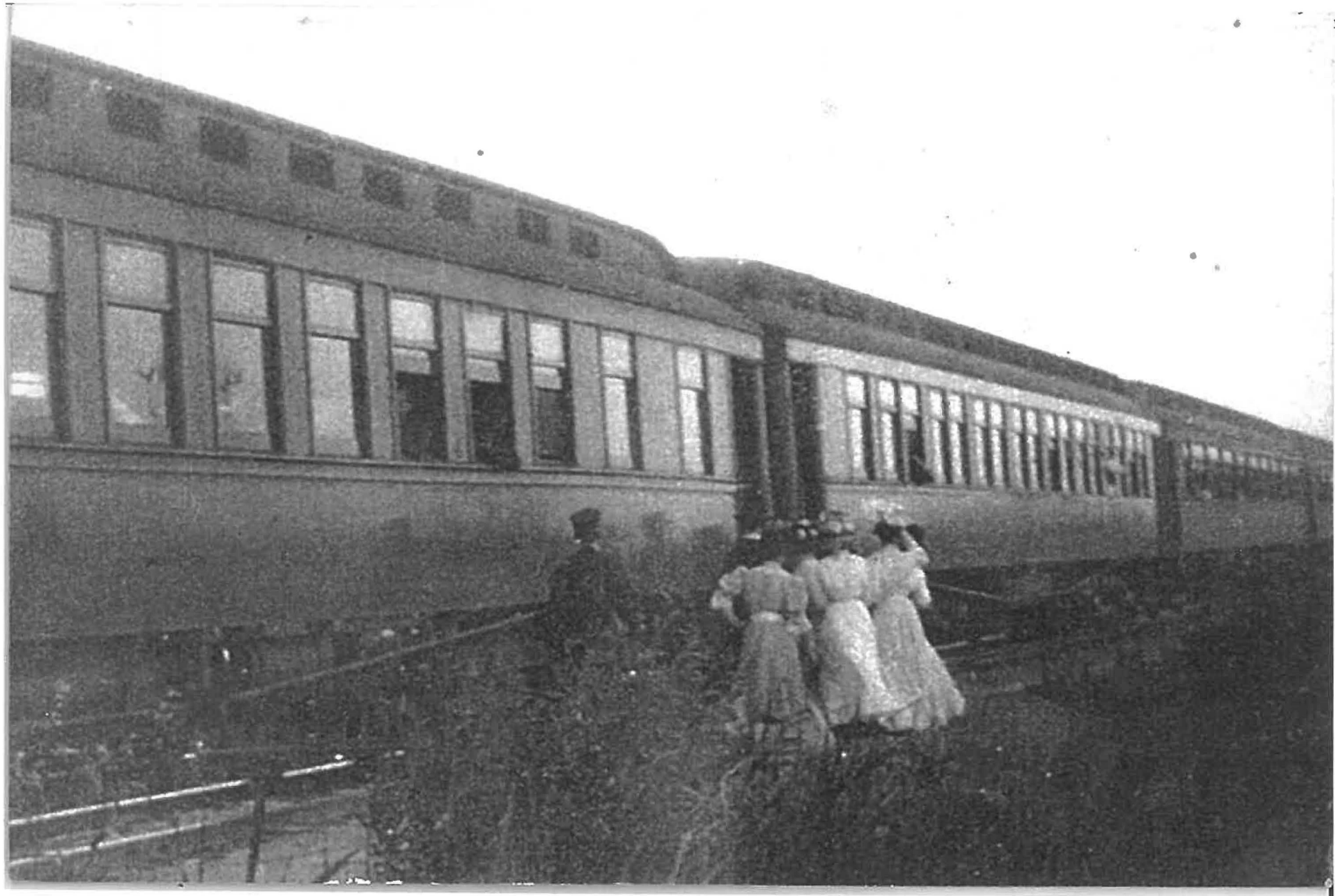
Dated: June 15, 2022

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing facts are true to the best of my knowledge.

Barto Price

Barto Price (Jun 16, 2022 12:47 PDT)

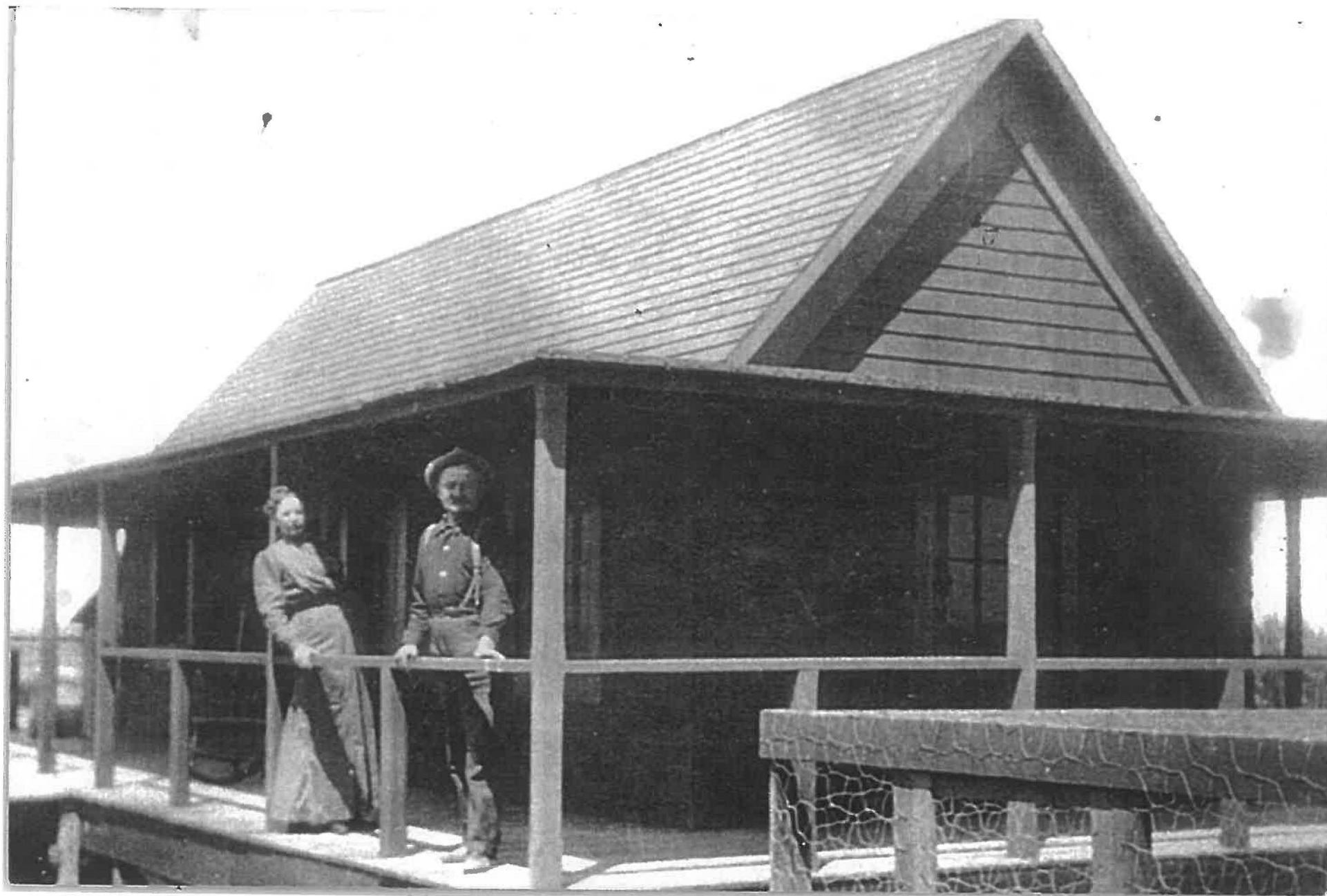
Barto Price



EX 1740 A

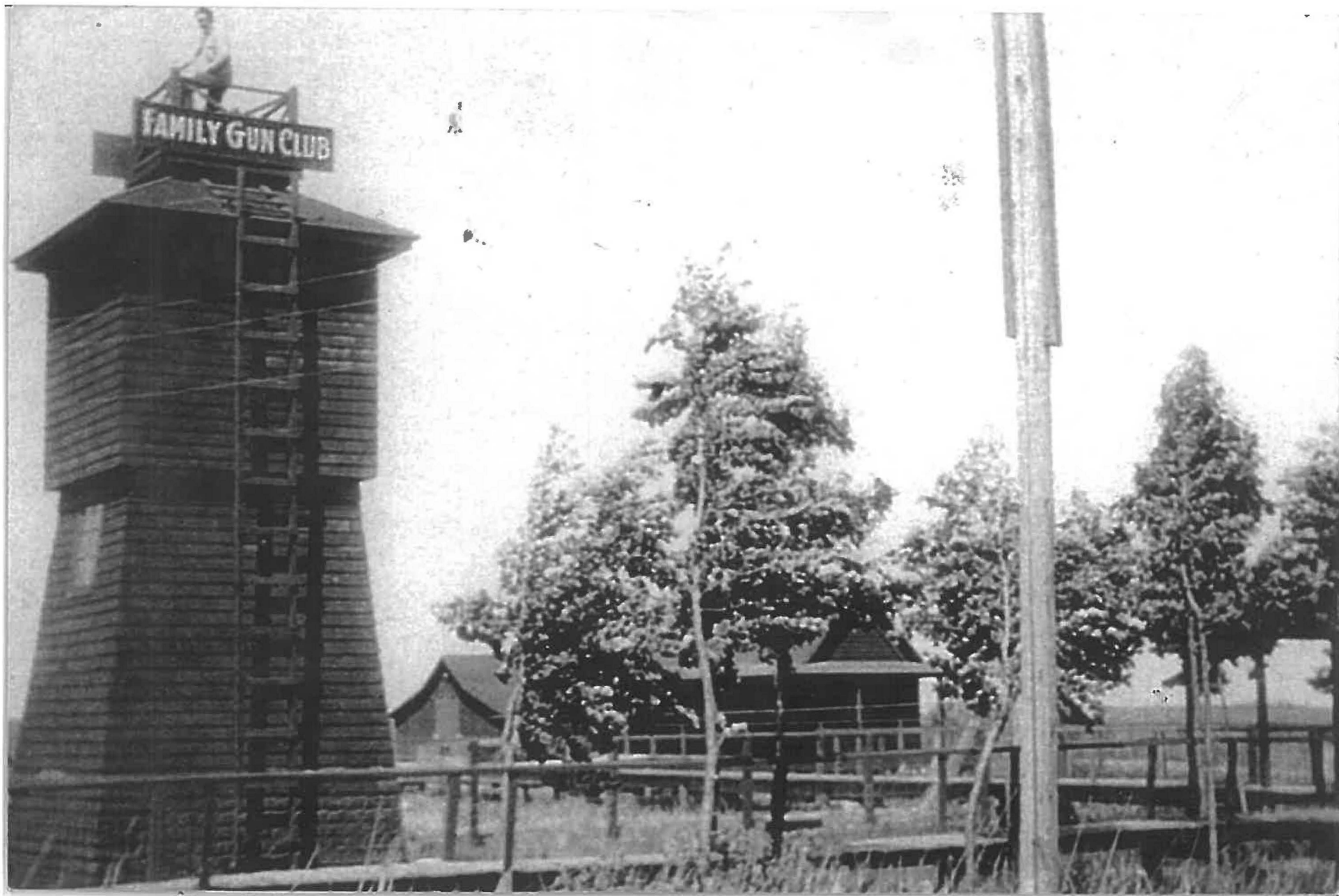


EX 1000 B



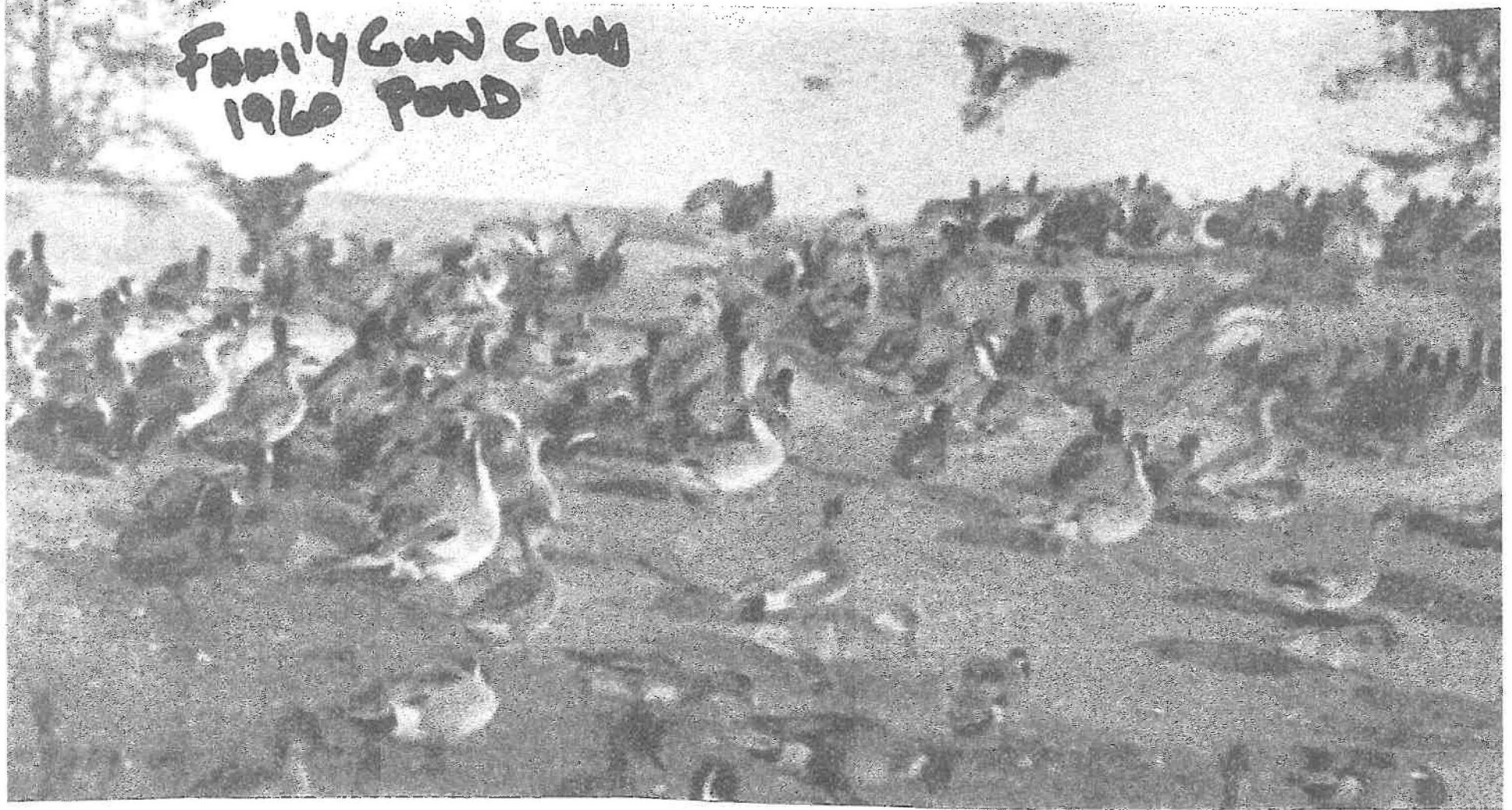
"COTTAGE HOUSE" STILL ON THE PROPERTY





CIRCA 1916

Family Gun Club  
1960 Pond







1912-27

1927-44

1944 on

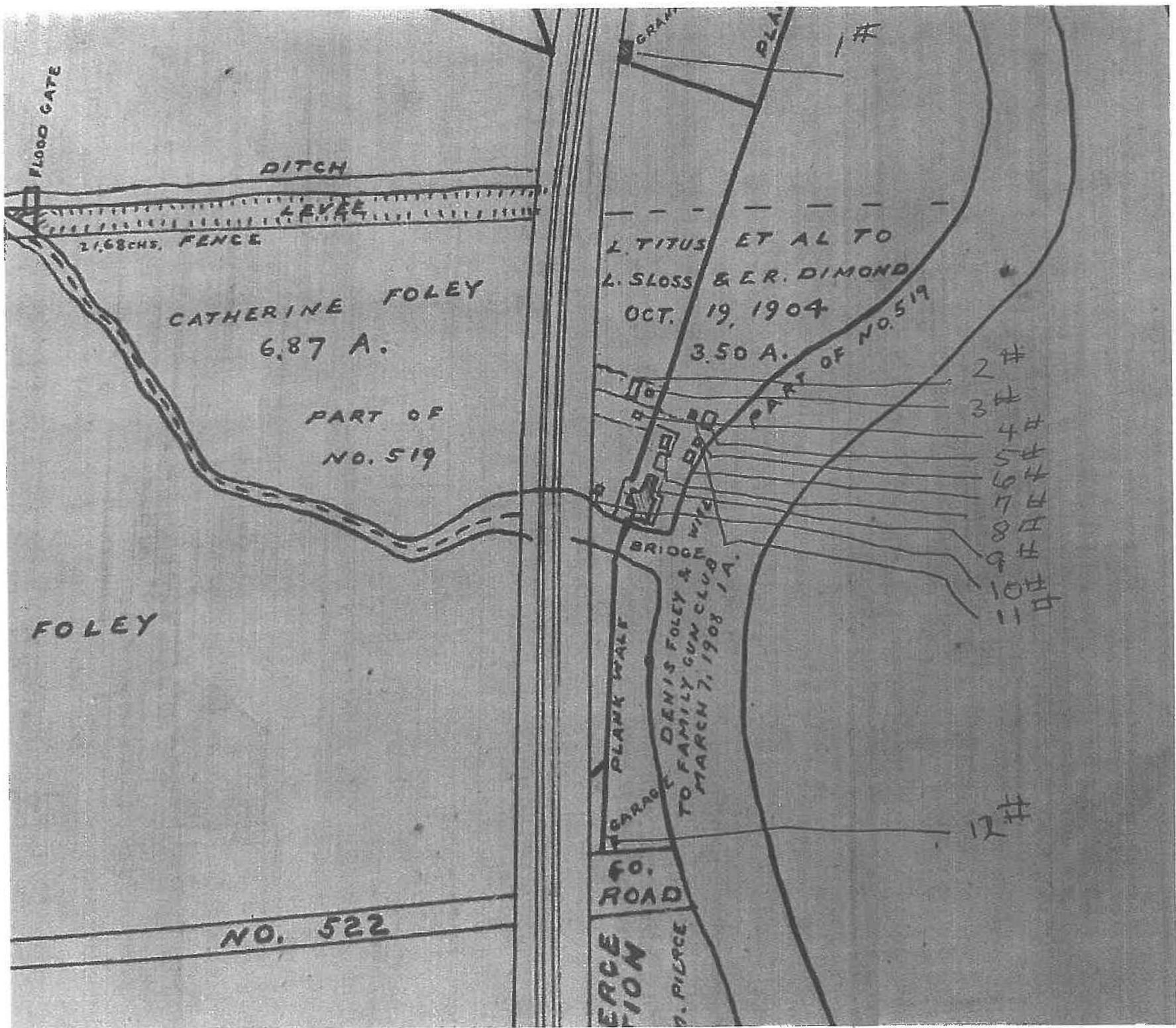
Sent from my iPhone

EX INTRO D

DDT  
PIERCE FARMS  
CO.

MAP OF LAND  
BELONGING TO THE  
**FAMILY GUN CLUB**  
BEING PART OF  
SWAMP & OVERFLOWED LAND SURVEYS  
NO. 431, 519, & 535, & UPLAND IN SECTION 8  
T 3 N. R. 2 W. M. D. M.  
**SOLANO CO. CAL.**  
SCALE 1 INCH = 330 FEET E. N. EAGER, COUNTY SURVEYOR  
AUGUST 1916

EX INTRO E  
1052





# Bid Proposal

DATE: JULY 6, 2010

**PROJECT ADDRESS:**  
Family Gun Club  
2 Pierce Lane  
Benicia, CA 94510

**Thank you for your business!**

\$ 46,231.00

pag 1<sup>h</sup>  
 Ex INTRO E 142

## Bid Proposal

DATE: FEBRUARY 10, 2010

**PROJECT ADDRESS:**  
**Family Gun Club**  
**2 Pierce Lane**  
**Benicia, CA 94510**

Billy is thick to pay

all Bant  
2 of 2

**Thank you for your business!**

**2020.07.21 ER2020.021.00 Barto and Donnia Price site visit 2 Pierce Lane, Benicia, CA APN 0090-230-110**

Site visit by Priscilla Njuguna 1 PM to 2 PM. (see course pictures)

Coordinated site visit with Solano County Code Enforcement Compliance Officer Scott Robert Tippet (cell phone 703-851-7847).

Met with Mr. Price who introduced me to Matt Emig and a 75-year-old local resident friend of Mr. Price who was described as very knowledgeable about BCDC's jurisdiction to provide a tour of clay duck hunting course beginning with area for experienced hunters to the area for less experienced hunters.

Lift equipment reported was for raising of duck hunting targets—two converted construction small crane lifts (in photos IMG.1028, 1052 and 1062). Per Matt Emig (707)-718-7973 who manages the course changes were being made to keep the course interesting for duck hunters. All parts of course are removable including target launching equipment that has been temporarily staged at each location. The exception to installation is the metal tracks under the brackets used in the inexperienced duck hunter section (IMG.1051, IMG.1052) which have been pinned down but can easily be removed.

No duck hunting course equipment has been placed in any wet habitat.

Spoke to Mr. Price at the conclusion of the visit. Informed him that buildings added without permits will need to be permitted after approvals are obtained from Solano County's buildings and permits departments and will result in double permit fees if and when an after-the-fact permit is issued that Mr. Price needs to apply for.

Scott Tippet shared the photos he took of the unpermitted buildings which was part of a report saved in the ER2020.021.00 file.

EX 1/15/20 G

## San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 888 348 5190

State of California | Gavin Newsom – Governor | [info@bcdc.ca.gov](mailto:info@bcdc.ca.gov) | [www.bcdc.ca.gov](http://www.bcdc.ca.gov)

**Via email only**

August 5, 2020

Barto and Donna Price  
459 Adams Way  
Pleasanton, CA 94566-7131  
[bart@camechanical.com](mailto:bart@camechanical.com)

**SUBJECT: Violation Notice for The Family Gun Club #423 (BCDC Permit Nos. M1999.022md and M2019.024.00md; BCDC Enforcement File No. ER2020.021.00)**

Dear Mr. and Mrs. Price:

Following our site visit on July 21, 2020, we are sending this letter to document BCDC's expectations to bring the property located at 2 Pierce Lane, Benicia, California into compliance.

BCDC staff was able to verify that the duck club hunting facilities are consistent with BCDC permit terms. However, the repairs and unpermitted new construction at the site, including the large barn and remodeling to the existing club meeting hall, Family Club bar, boathouse, caretaker's house and garage require review and approval by BCDC. This process can be initiated by submitting a permit application. It is our understanding that you intend to submit your permit application to BCDC after you obtain required approvals from Solano County.

This letter serves as notice that BCDC believes that a violation has occurred. We expect you to submit a fileable permit application no later than 90 days from the date of this letter. We expect that you will include all required attachments for an evaluation of the unauthorized work to determine what can be authorized. Inform BCDC of any County related delays that could impact this 90-day period. Please complete your application, the form for which is attached and is also available on BCDC's website [here](#) then submit the completed form to [info@bcdc.ca.gov](mailto:info@bcdc.ca.gov). The Permit tab on BCDC's website homepage contains information that will assist you in preparing a fileable application. If after review the staff determines that a portion of the as-built work cannot be retroactively authorized then we will develop a plan for it to be modified/removed.

Pursuant to the McAteer-Petris Act, Suisun Marsh Preservation Act and BCDC regulations, BCDC is authorized to conduct enforcement investigations and commence administrative enforcement actions. While this letter does not commence a formal enforcement proceeding, we reserve the right to take formal action, including imposing fines or penalties. A prompt response will be considered in determining the next steps that BCDC pursues.



EX-100-04

Barto and Donna Price  
Enf. No. ER2020.021.00

Page 2  
August 5, 2020

Further, while the report we received focused on the activities identified above, we *recognize* the potential that there may be other violations at the site. We urge you to review your permits to ensure you are fully compliant with all of their conditions.

Thank you for your attention to this matter.

Sincerely,

DocuSigned by:  
  
ECF757C27FA741C...

Priscilla Njuguna  
Enforcement Policy Manager  
San Francisco Bay Conservation and Development Commission  
375 Beale Street, Suite 510  
San Francisco, California 94105  
Tel: 415-352-3640  
Fax: 415-352-3606  
Email: [priscilla.njuguna@bcdc.ca.gov](mailto:priscilla.njuguna@bcdc.ca.gov)  
Website: [www.bcdc.ca.gov](http://www.bcdc.ca.gov)

Enclosure: Permit M1999.022md  
BCDC Permit Application Form

PN / mm





From: bart@camechanical.com,  
To: Striclybis@aol.com,  
Subject: Fwd: 2 Pierce Lane  
Date: Fri, Apr 29, 2022 3:25 pm

Attachments:

---

Sent from my iPhone

Begin forwarded message:

From: Bart Price <bart@camechanical.com>  
Date: April 28, 2022 at 2:42:22 PM PDT  
To: Donna <Striclybis@aol.com>  
Subject: Fwd: 2 Pierce Lane

Sent from my iPhone

Begin forwarded message:

From: "Feiling, Denise M." <DMFeiling@solanocounty.com>  
Date: April 28, 2022 at 1:20:59 PM PDT  
To: Bart Price <bart@camechanical.com>  
Cc: "Tippett, Robert S." <RSTippett@solanocounty.com>  
Subject: 2 Pierce Lane

Hello Bart,

Below you will find a status of the building permits for 2 Pierce lane, parcel #0090-230-110

Permit #	Status	Scope of work
B2021-1341	In review	Remodel garage 840 sq ft
B2021-1342	In review	Remodel barn 1560 sq ft
B2021-1343	In review	Exterior work, mud room
B2021-0262	Final	New roof, windows, siding
B2021-0090	Final	Reroof club meeting hall
B2021-0092	Issued	Boathouse remodel windows, siding, metal roof
B2021-0093	Final	Pump house, new roof, siding

EX INTRO I

B

**STATEMENT OF DEFENSE**

**BARTO & DONNA PRICE**

**ENFORCEMENT CASE ER2020.021**

**CHARGE NUMBER 1.a. Channel Fill**

**CHARGE NUMBER 6.a. Interior Waterway Fill**

**INTRODUCTION:** The Channel Fill and the Interior Waterway Fill are closely related projects. The Interior Waterway is comprised of a small interior boat harbor for the small outboard motorboats that would take the hunters to the blinds for hunting when the property was flooded. The small interior boat harbor and the borrow ditch created by other owners in the past was filled by the present owners over a period of years of their ownership as set forth below. The borrow ditch paralleling the interior Goodyear Slough was filled to support the foundation of the main levee. The small boat harbor (lagoon) was no longer needed and thus filled by Owners, but was not related to the levee strengthening.

**1.Facts or allegations contained in the violation report that you admit (with specific reference to the paragraph number in the violation report):**

Admitted.

**2. Facts or allegations contained in the violation report that you deny (with specific reference to the paragraph number in the violation report):**

The "Channel" that is referenced is more properly referred to as a "Borrow Ditch". That Borrow Ditch was also connected by water to a very small lagoon which was used by prior owners to moor their small outboard motorboats that were used for access to the hunting field when the property was flooded.

When the land is dry, the Borrow Ditch is approximately two and a half feet (2-1/2') deep and about six feet (6') wide. Though the owner filled in the Ditch they did so under existing US Army Corps of Engineers permits of the Suisun Reserve Conservation District (hereinafter "SRCD") Permit Numbers: #24256N for years 2008 to 2012; #2012-00258N for years 2013 to 2017; and #2012-00258 for years 2018 to 2022 for Suisun Marsh Wetlands Operations and Maintenance Activities. Admittedly however, the fill of the no longer needed small lagoon was not part of the SRCD permits.

**3.Facts of allegations contained in the violation report of which you have no personal knowledge (with specific reference to paragraph number in the violation report):**

Not Applicable.

**4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identify it by name, date, type, and any other identifying information and provide the original or a copy if you can):**

A perimeter Borrow Ditch at the base of a main levee weakens that main levee. When the Owners took over ownership, access to the hunting fields was changed from boats to ATVs on the main levee; the historical Borrow Ditch could now be filled in thus strengthening the main levee foundation and back slope as the ditch was no longer needed. No spoils were brought onto the property for the purpose of filling the ditch (or the small boat harbor); rather, existing, adjacent soils were graded into the ditch making it an extended upland game area as shown in **Exhibit 1.a.A** and also had the added benefit of not only increasing the Upland Habitat but also increasing the Wetland Habitats in the adjacent pond

With regard to **Exhibit 1.a.A** note the area shaded in yellow. That is not the borrow ditch, that is the area that was graded to expand seasonal wetlands and improve stability of the levee foundation. The ditch itself is best represented by the narrow black line with filled directional triangles on it just inside the main levee of the Goodyear Slough. **Exhibits 6.a.A** and **6.a.B** are BCDC exhibits supporting its allegations for Charge Number 6.a – the Interior Waterway Fill. **Exhibit 6.a.B** is a more recent picture of the subject area and of superior quality. Similar to the drawing of the area in **Exhibit 1.a.A** the levee road is the very narrow white line which circumferences the property; the smaller dark line is the edge of the interior levee and at its bottom was, in this picture the borrow ditch. The wide swath of bare ground is tilled area that has already been planted in native food plots to support its upland habitat setting. In the **6.a.A** picture one can see the same levee road as a small beige line and the small dark line is vegetation on the downside of the interior levee. The borrow ditch is not visible in this picture though it would be at the base of the interior levee. Next to the borrow ditch is green vegetation. That later in the summer would be disced up and planted in native food as shown in **Exhibit 6.a.B**.

The details: Between 2008 and present approximately 7,500 lineal feet of exterior levee maintenance borrow ditch was filled along the exterior levee toe adjacent to Goodyear Slough. This ditch was created by previous landowners (pre-1978), from the excavation of upland area at the toe of the existing exterior levee, while performing routine exterior levee maintenance. This levee maintenance borrow ditch was located at the immediate toe of the exterior levee causing foundational levee instability and promoted the settlement of the existing levee crown heights. The levee maintenance borrow ditch was located within the "Levee Stability Check Line" as noted in **Exhibit 1.a.D** "Suisun Marsh Levee Specifications Figure I" -Cross Section Through New Levee within the Suisun Resource Conservation District (SRCD) Suisun Marsh Management Program.

Filling of this borrow ditch to improve exterior levee stability and restore the exterior levee backslopes was an US Army Corps of Engineers Regional General Permit 3 (RGP 3) authorized activity and completed over multiple work seasons as the permitted "grading of pond bottoms" activity. During this period (2008 to 2022), there have been three 5-year

RGP 3 permits issued for managed wetlands operations and maintenance: File Number #24256N for years 2008 to 2012, File Number #2012-00258N for years 2013 to 2017, and File Number #2012-00258 for years 2018 to 2022. The grading of this upland area also increased the managed wetland areas on the southern edge of the pond and this area has been planted with upland seed mixing for wildlife food production and enhanced ground nesting bird habitat. All of the borrow ditch filling has been done pursuant to SRCD Standards Covering Diking, Flooding, Draining, Filling, and Dredging Tidal Waters, Managed Wetlands and Tidal Marsh Within the Primary Management Area of the Suisun Marsh.

**5. Any other information, statement, etc. that you want to make:**

CONCLUSION: 1) No BCDC Rules were violated with respect to the Borrow Ditch filling; existing soils on the property adjacent to the borrow ditch were moved to fill the ditch thus, as pointed out above, enlarging both the Upland Habitat area and the lower Wetlands area and improving the stability of the main levee along the Goodyear Slough. The small boat harbor no longer needed was filled with ground from the property, but that project was not part of the levee work. If the commissioners wish, the boat harbor though no longer needed or serving a purpose can be excavated to its former state.

2) The owners posit that this should not be two separate charges being assessed penalties of \$30,000 each as they are closely related;

3) The owners request a finding that the work on the Borrow Ditch was properly done pursuant to pertinent SRCD permits and the penalties abated.

6. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, title and enclose a copy with this completed form):

All Exhibits are attached hereto

7. Name of any person whose declaration under penalty of perjury was listed in the violation report as being part of the staff's case who the respondent wants to cross-examine, all documents about which you want to cross-examine the person, area or areas of information about which the respondent wants to cross-examine the witness, information that the respondent hopes to elicit in cross-examination, and the reason(s) why some other method of proving this information is unsatisfactory:

No staff person is identified concerning the details of the subject charges so at this point owners cannot name the person they would want/need to cross examine.

Dated: June 15, 2022. I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing facts are true to the best of my knowledge.

Barto Price

Barto Price (Jun 16, 2022 12:17 PDT)

Barto Price

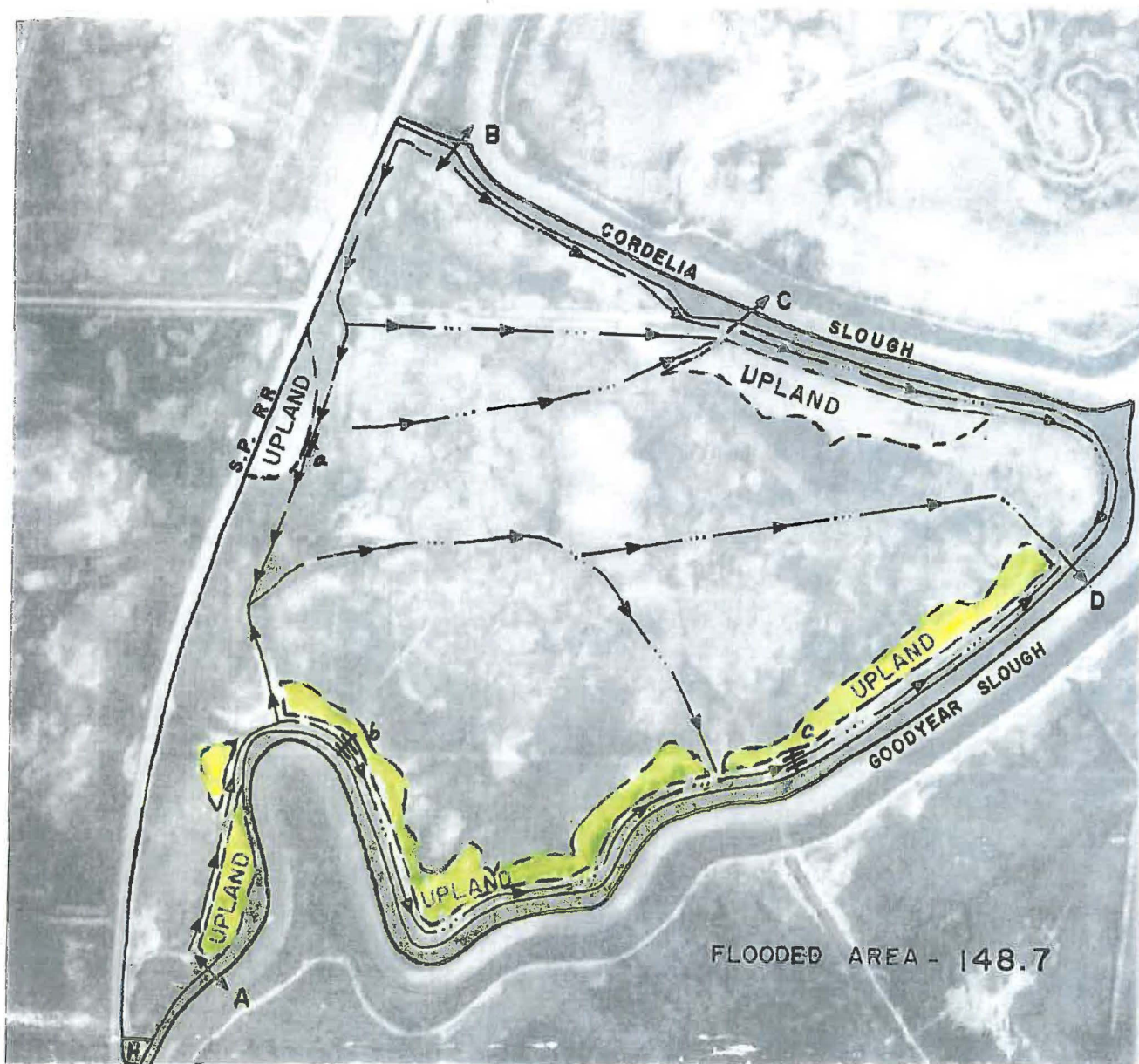


SCS-CON-16  
OCTOBER 1974

# CONSERVATION PLAN MAP

U.S. DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE

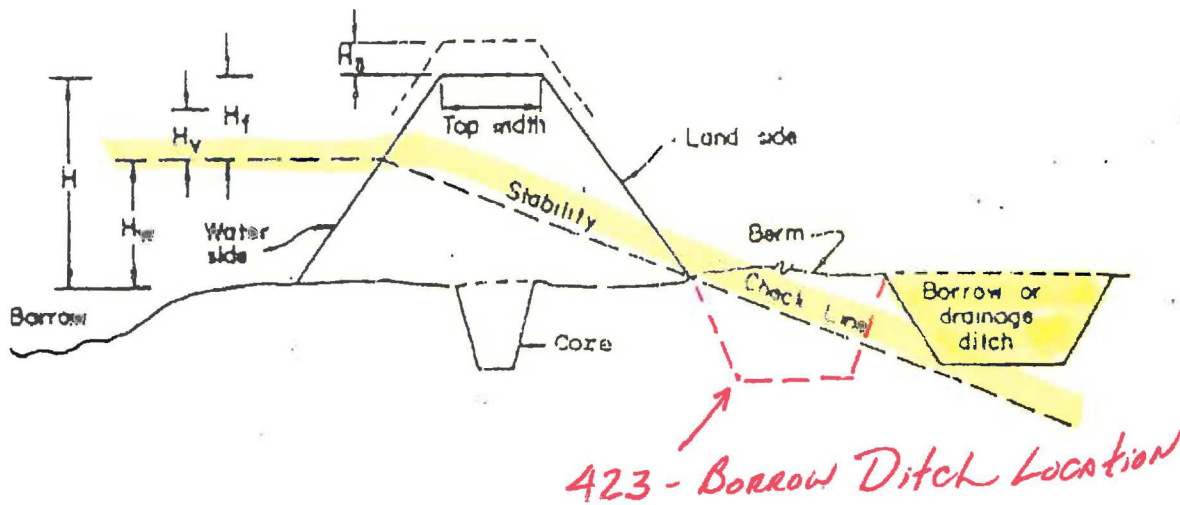
Owner Marsh Land Enterprises Inc. Operator \_\_\_\_\_  
County Solano State Ca Date 2/78  
Approximate acres 182 Approximate scale 1"=660'  
Cooperating with Suisun Resource Conservation District \_\_\_\_\_  
Plan identification 423 Photo number \_\_\_\_\_  
Assisted by \_\_\_\_\_ USDA Soil Conservation Service



6170

EX 100

FIGURE I  
SECTION THROUGH NEW LEVEES



The design height of the levee ( $H$ ) will be the sum of the design high water storage ( $H_w$ ), the added height ( $H_v$ ) for wave action, if any, and the freeboard ( $H_f$ ). The constructed height will include an allowance for settlement ( $H_s$ ), which will depend on the foundation and material used in construction. The actual design high water stage should be based on the water surface profile.

**Family Gun Club**

May 31, 2007

**EXHIBIT F**

Google Earth

Image © 2007 Maxar Technologies

1000 ft

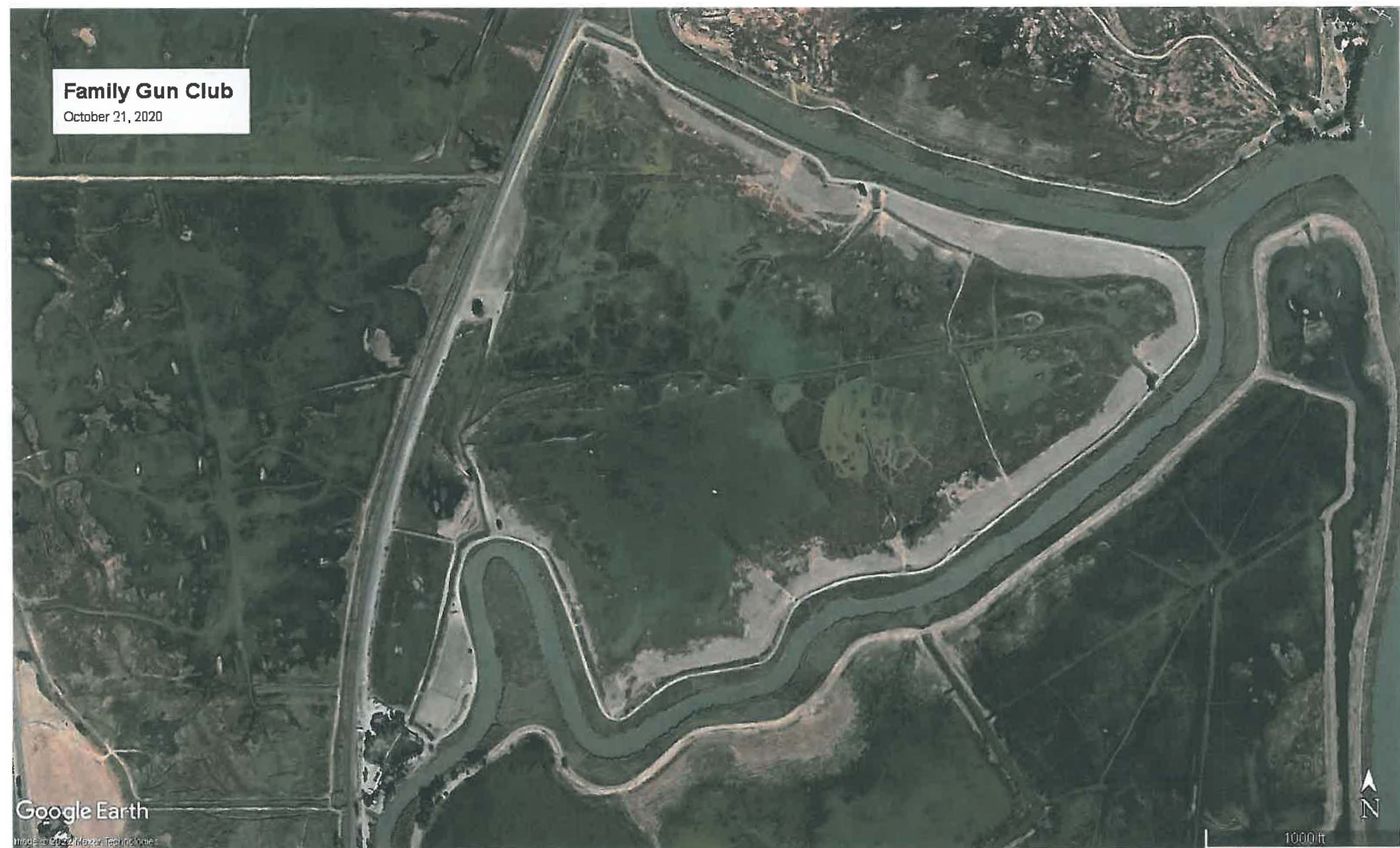
N

EX 6.a.A



# Family Gun Club

October 21, 2020



EX 6.9.B

C

## **STATEMENT OF DEFENSE**

**BARTO & DONNA PRICE**

**ENFORCEMENT CASE ER2020.021**

**CHARGE NUMBER CHANNEL 1.b. 1,300 sq.ft. Structure on Channel Fill**

### **INTRODUCTION**

The Complaint in this alleged violation is in two parts:

One. The 2013 Structure is built on top of the fill of the small internal boat harbor;

Two. The Structure was subsequently expanded to approximately 1,300 sq. ft.

**1. Facts or allegations contained in the violation report that you admit (with specific reference to the paragraph number in the violation report):**

No Admissions.

**2. Facts or allegations contained in the violation report that you deny (with specific reference to the paragraph number in the violation report):**

The Owners deny that in 2013 the Structure was built on top of the small internal harbor fill and also deny it was subsequently expanded to approximately 1,300 square feet.

The Structure has existed on that very same spot since it was constructed in 1906. When constructed it adjoined (was next to) a small internal boat harbor. The harbor itself being connected to the borrow ditch which, when the property was flooded, was used by outboard motorboats to transport the hunters to the hunting blinds in the flooded field. The building, when constructed, was used to store decoys and boating equipment. It was then known as the "Boat House". It is now referred to as the "Meeting Hall".

Solano County Permit Number B2021-0090, attached hereto as **EXHIBIT 1.b.A**, shows the existing building of 1,400 square feet. The Permit itself is not for an expansion of the building, but rather a new roof and siding that was put on the building after the Owners purchased the property being unaware that either a County permit or a BCDC permit was required for siding and a roof. The building has not been re-built during the ownership of these owners (since 2008). The existing building still remains upon the foundation upon which it was originally built in 1906. The building and siding was done pursuant to a contract with Matt Ellsworth Construction (California Contractor License No. 884344). The construction services contracted included any necessary permits. It was clear that even though the owners paid Ellsworth Construction for the job, which included permits, he did not apply for or receive a Solano County or BCDC permit for the job.

Over the years since 1906, the building has been upgraded by other owners. Somewhere along the line, electricity, plumbing and lighting was added and floors were re-done, and the like. However, the current Owners only replaced the roof and re-did the siding.

**3. Facts of allegations contained in the violation report of which you have no personal knowledge (with specific reference to paragraph number in the violation report):**

Not Applicable.

**4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identify it by name, date, type, and any other identifying information and provide the original or a copy if you can):**

When Owners learned that BCDC would require a Permit for any work done on the subject structure, they worked with Priscilla Njuguna, the then Enforcement Policy Manager of BCDC. Attached hereto as **EXHIBIT 1.b.B** is an August 5, 2020 email from Ms. Njuguna to the Owners. In pertinent part is the second paragraph which verifies the procedure that the Owners were going to use, which was understood and approved by Ms. Njuguna, for those projects done for which no County permit existed at the time of the construction/repair the Owners would now first apply, retroactively, for the County permits. Once the County permits were issued, then application would be made to BCDC for a corresponding permit. The County retroactively issued the permit covering the roof and siding of this pre-existing structure, which is attached as EXHIBIT 1.a.A, to this particular Statement of Defense. That permit was received after BCDC formally instituted the enforcement proceedings.

Matt Ellsworth, the owner of Matt Ellsworth Construction, (which company actually did the roof and siding) is not available for any testimony and no documents are available from his former business operations as Mr. Ellsworth died in 2017.

**5. Any other information, statement, etc. that you want to make:**

The Owners request that BCDC retroactively issue a permit for the roofing and the siding that has already been done, and assess the Owners the cost of the permit plus any particular penalty charges associated to that charge. The Owners request that the \$30,000 proposed total penalty be abated given the minor nature of the repair and the benefit to the property as a whole as a result of the repair.

**6. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, title and enclose a copy with this completed form):**

All Exhibits are attached hereto

**7. Name of any person whose declaration under penalty of perjury was listed in the violation report as being part of the staff's case who the respondent wants to cross-examine, all**

documents about which you want to cross-examine the person, area or areas of information about which the respondent wants to cross-examine the witness, information that the respondent hopes to elicit in cross-examination, and the reason(s) why some other method of proving this information is unsatisfactory:

No BCCE staff persons have been identified who assisted in the preparation of the charging document. Counsel has been advised that no witnesses will be called at the hearing in support of the charging allegations.

Dated: Jun 16, 2022

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing facts are true to the best of my knowledge.

Barto Price

Barto Price (Jun 16, 2022 12:47 PDT)

Barto Price





DEPARTMENT OF RESOURCE MANAGEMENT  
BUILDING & SAFETY SERVICES

675 TEXAS ST., SUITE 5500  
FAIRFIELD, CA 94533  
Office Number: (707) 784-6765  
24 Hour Inspection Request Line: (707) 784-4750

**BUILDING PERMIT**

Permit No: B2021-0090

Permit Issued By: Denise Feiling

Status: Issued

Applied Date: 1/26/2021

Issued Date: 3/12/2021

Expires Date: 3/12/2023

Job Address: 2 Pierce Lane

Parcel No.: 0090230110

Valuation: \$16,500.00

Description: CLUB MEETING HALL 1400 SQ FT - NEW METAL ROOF & NEW SIDING - NO INTERIOR WORK  
\*\*\*PREVIOUSLY CONSTRUCTED IN 1906

Owner: Price Barto B III & Donna L TR  
2 PIERCE LANE

Contractor:

**Licensed Contractor Declaration**

I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division of the Business and Professions Code, and my License is in full force and effect.

License#

License Class

Expiration Date

Date \_\_\_\_\_ Signature \_\_\_\_\_

**Owner/Builder Declaration**

I hereby affirm that I am exempt from the Contractor's License law for the reason:

☐ I, as owner of the property, or my employee with wages as the sole compensation, will do the work, and the structure is not intended or offered for sale (Section 7044, Business and Professions Code).

☐ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project Section 7044, Business and

☐ Owner-Builder intends to perform work and the structure is intended or offered for sale, the applicant must apply with the following conditions:

1. The structure is his or her principal place of residence.

2. He or she has resided in the residence for the past 12 months prior to the work.

3. He or she has not availed his or herself of this exemption on more than two structures more than once during any three-year period.

☐ I am exempt under sec. \_\_\_\_\_ B&PC for this reason \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

**Worker's Compensation Declaration**

I hereby affirm that I have a certificate of Worker's Compensation Insurance, (Section 3800, Lab.C.)

Policy Number

Insurance Co.

Expiration Date

Date \_\_\_\_\_ Signature \_\_\_\_\_

**Certificate of Exemption From Workers' Compensation Insurance**

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to Worker's Compensation Laws of California.

Date \_\_\_\_\_ Signature \_\_\_\_\_

Notice to Applicant: If, after making this Certificate of Exemption, you should become subject to Worker's Compensation provision of the Labor Code, you must forthwith comply with such provision or this permit shall be deemed revoked.

**Division of Industrial Safety Permit Classification**

☐ As Owner/Builder, I will not perform or employ anyone to do work which would require a permit from the Division of Industrial Safety, unless such person has a permit to do such work from the division.

☐ Division of Industrial Safety Permit Number \_\_\_\_\_

**Air Quality Permit Certificate**

☐ I hereby affirm that I am not installing nor modifying any equipment which may cause air pollution.

☐ My Air Quality Management District Authority to Construct permit number is \_\_\_\_\_

**Hazardous Materials and Waste Management**

☐ I have read the Hazardous Material Information Guide and understand my requirement under Chapter 6.95 of the California Health and Safety Code Section 25505, 25533, and 25534. \*\*I understand that if the building does not currently have a tenant, that it is my responsibility to notify the occupant of the requirements which must be met prior to issuance of a Certificate of Occupancy. I certify that I have read this application and state that the information is correct. I agree to comply with all county ordinances and state laws relating to building construction, and hereby authorize representatives of the county to enter the above property for inspection purposes.

☐ I will submit a Construction and Demolition Waste Management Plan and/or Report, with receipts, documenting compliance with State Law to divert a minimum of 65% of non-hazardous waste from landfills through recycling or re-use.

Applicants Signature \_\_\_\_\_

Date \_\_\_\_\_

EX1.6.A



# San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 888 348 5190

State of California | Gavin Newsom – Governor | [info@bcdc.ca.gov](mailto:info@bcdc.ca.gov) | [www.bcdc.ca.gov](http://www.bcdc.ca.gov)

**Via email only**

August 5, 2020

Barto and Donna Price  
459 Adams Way  
Pleasanton, CA 94566-7131  
[bart@camechanical.com](mailto:bart@camechanical.com)

**SUBJECT: Violation Notice for The Family Gun Club #423 (BCDC Permit Nos. M1999.022md and M2019.024.00md; BCDC Enforcement File No. ER2020.021.00)**

Dear Mr. and Mrs. Price:

Following our site visit on July 21, 2020, we are sending this letter to document BCDC's expectations to bring the property located at 2 Pierce Lane, Benicia, California into compliance.

BCDC staff was able to verify that the duck club hunting facilities are consistent with BCDC permit terms. However, the repairs and unpermitted new construction at the site, including the large barn and remodeling to the existing club meeting hall, Family Club bar, boathouse, caretaker's house and garage require review and approval by BCDC. This process can be initiated by submitting a permit application. It is our understanding that you intend to submit your permit application to BCDC after you obtain required approvals from Solano County.

This letter serves as notice that BCDC believes that a violation has occurred. We expect you to submit a fileable permit application no later than 90 days from the date of this letter. We expect that you will include all required attachments for an evaluation of the unauthorized work to determine what can be authorized. Inform BCDC of any County related delays that could impact this 90-day period. Please complete your application, the form for which is attached and is also available on BCDC's website [here](http://www.bcdc.ca.gov) then submit the completed form to [info@bcdc.ca.gov](mailto:info@bcdc.ca.gov). The Permit tab on BCDC's website homepage contains information that will assist you in preparing a fileable application. If after review the staff determines that a portion of the as-built work cannot be retroactively authorized then we will develop a plan for it to be modified/removed.

Pursuant to the McAteer-Petris Act, Suisun Marsh Preservation Act and BCDC regulations, BCDC is authorized to conduct enforcement investigations and commence administrative enforcement actions. While this letter does not commence a formal enforcement proceeding, we reserve the right to take formal action, including imposing fines or penalties. A prompt response will be considered in determining the next steps that BCDC pursues.



EX-16-D

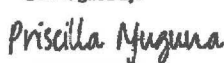
Barto and Donna Price  
Enf.-No. ER2020.021.00

Page 2  
August 5, 2020

Further, while the report we received focused on the activities identified above, we recognize the potential that there may be other violations at the site. We urge you to review your permits to ensure you are fully compliant with all of their conditions.

Thank you for your attention to this matter.

Sincerely,

DocuSigned by:  
  
EBF757C27FA741C...

Priscilla Njuguna  
Enforcement Policy Manager  
San Francisco Bay Conservation and Development Commission  
375 Beale Street, Suite 510  
San Francisco, California 94105  
Tel: 415-352-3640  
Fax: 415-352-3606  
Email: [priscilla.njuguna@bcdc.ca.gov](mailto:priscilla.njuguna@bcdc.ca.gov)  
Website: [www.bcdc.ca.gov](http://www.bcdc.ca.gov)

Enclosure: Permit M1999.022md  
BCDC Permit Application Form

PN / mm





D

## **STATEMENT OF DEFENSE**

**BARTO & DONNA PRICE**

**ENFORCEMENT CASE ER2020.021**

**CHARGE NUMBER 2.a. 1,900 sq. ft. Structure and  
associated pavement and landscaping**

**CHARGE NUMBER 7.a. Wetland Excavation**

### **INTRODUCTION**

Charge 2.a. and 7.a are related and are in the same area. The lawn and associated pavement that is referenced in the charges of 2.a. are in the very same area as the Pond of the charge in 7.a. In fact, the lawn lines one part of the Pond. See **EXHIBIT 7.a.A**

**1.Facts or allegations contained in the violation report that you admit (with specific reference to the paragraph number in the violation report):**

#### **The Owners Admit:**

1. The pre-existing structure (prior to Owners taking possession of the property) was known as the "Mud Room" and according to architect's measurement was 256 square feet. To that existing building Owners added, by lengthening the building, 896 square feet without permits. The building now existing is 1,152 square feet. There is 600 square feet of outside deck associated with the building.
2. Upon taking possession of the building, there was an old pond positioned as described in the complaint on the property. When Owners took possession, it was filled with tires and debris of all sorts, including mattresses, old box springs, old culvert pipes, broken flood gates, telephone poles, and all sorts of wood debris. Owners removed all the debris from the pond area and refilled it with water then planted the lawn and added the cinderblock walkway.

**2. Facts or allegations contained in the violation report that you deny (with specific reference to the paragraph number in the violation report):**

#### **The Owners Deny:**

The Owners were unaware of any restrictions that this specific area "was required for wetland and upland habitat" pursuant to CCD2000.004 and M1999.022md. The present Owners came into ownership in 2008.

The entire parcel of property in owners' possession is 199.4 acres. It is broken down as 182 acres of managed wetlands (APN 90-23-11) and 17.4 acres that are not part of managed wetlands (APN 46-11-8). The BCDC complaint herein, and for that

matter other than complaints 6.a. and 9.a. are all within the 17.4 acres of non-managed wetlands. This 17 acres houses all the equipment necessary to operate a 200-acre hunting operation. It has a caretaker house, the owners have the original house built in 1906, in which they live; there are various buildings all associated with the operation of the Duck Club. How this area could be designated as needed for wetland or upland habitat defies imagination.

There was some enforcement proceedings against the prior owners which the present owners are now informed and believe was with specific regard to debris in what was a pond on the property and its immediate surrounding area. Owners had no notice prior to taking ownership of any restrictions now alleged by BCDC that ran with the land that they acquired. There is nothing in the title documents delivered to them at the close of escrow proceedings that indicated any such restrictions on the 17-acre parcel. Furthermore, on taking possession of the property, the area that is now a lovely pond on the property is frequented by ducks on the non-hunting days of the waterfowl season and before and after the season. When the owners took possession of the property there was no water in the former pond – it was still loaded with debris as set forth in the introduction to this statement of defense charge. Upon possession of the property, the owners, standing in front of the house that they would live in and looking to the north of the extension of the property that they had just purchased, and viewing the area filled with tires, culvert pipes, old broken levee gates, and the like, no one could possibly imagine that this was land required for wetlands or upland habitat.

With respect to the allegation that the Mud Room expansion was built, it could not possibly have been built in the area “required for Wetland and Upland Habitat Restoration”. The Mud Room, itself, pre-exists by decades and was built at the edge of the pre-existing internal canal next to the small internal harbor. The extension added to the Mud Room, to the East, was built on the very same ground. BCDC will have to prove where the Wetland and Upland game habitat boundaries are. A look at the BCDC aerial photos, **EXHIBIT 2.a.A & B.**, clearly show the added structure is in an arid part of that particular parcel.

**3.Facts of allegations contained in the violation report of which you have no personal knowledge (with specific reference to paragraph number in the violation report):**

Not Applicable.

**4.Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identify it by name, date, type, and any other identifying information and provide the original or a copy if you can):**

As admitted in this charge and pointed out earlier, Matt Ellsworth Construction was contracted to add to the existing Mud Room. The contract also provided that he would provide the necessary permits and was paid for doing so. It is now apparent, however, since these

proceedings have been ongoing that the contractor did not apply for or receive any County permits let alone BCDC permits. The Owners knew County permits would be required for the addition to the Mud Room but were unaware of the BCDC requirements in that regard.

With respect to the addition to the Mud Room, that could not possibly have been designated by some prior enforcement procedure Wetlands or Upland Game Habitat. The Mud Room has existed for decades and the extension to it followed the same course, roughly to the East, on the same patch of arid ground. That patch of ground was on the very edge of the internal canal that was ultimately filled. The extension was not built on any of that fill. It was basically built on what was the old edge of the internal canal. Just a look Looking at the BCDC aerial photo in support of their charge would indicate that the building could not possibly be in an area reserved for Wetlands or Upland Game Habitat.

**5. Any other information, statement, etc. that you want to make:**

The Owners request that the BCDC permit be issued retroactively approving the extension to the Mud Room and eliminating the proposed penalty of \$30,000. There is a BCDC permit required that is clear; it is also clear that that is an Owner responsibility notwithstanding the contractor was supposed to supply the permits, and was paid for doing so. The Owners submit that whatever the retroactive permit fee would be plus reasonable penalties associated with the tardiness of making application to BCDC therefore would be the appropriate penalty but certainly not the \$30,000 alleged for Number 2 and not \$30,000 as alleged for Number 7

**6. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, title and enclose a copy with this completed form):**

All Exhibits are attached hereto

**7. Name of any person whose declaration under penalty of perjury was listed in the violation report as being part of the staff's case who the respondent wants to cross-examine, all documents about which you want to cross-examine the person, area or areas of information about which the respondent wants to cross-examine the witness, information that the respondent hopes to elicit in cross-examination, and the reason(s) why some other method of proving this information is unsatisfactory:**

No BCCE staff persons have been identified who assisted in the preparation of the charging document. Counsel has been advised that no witnesses will be called at the hearing in support of the charging allegations.

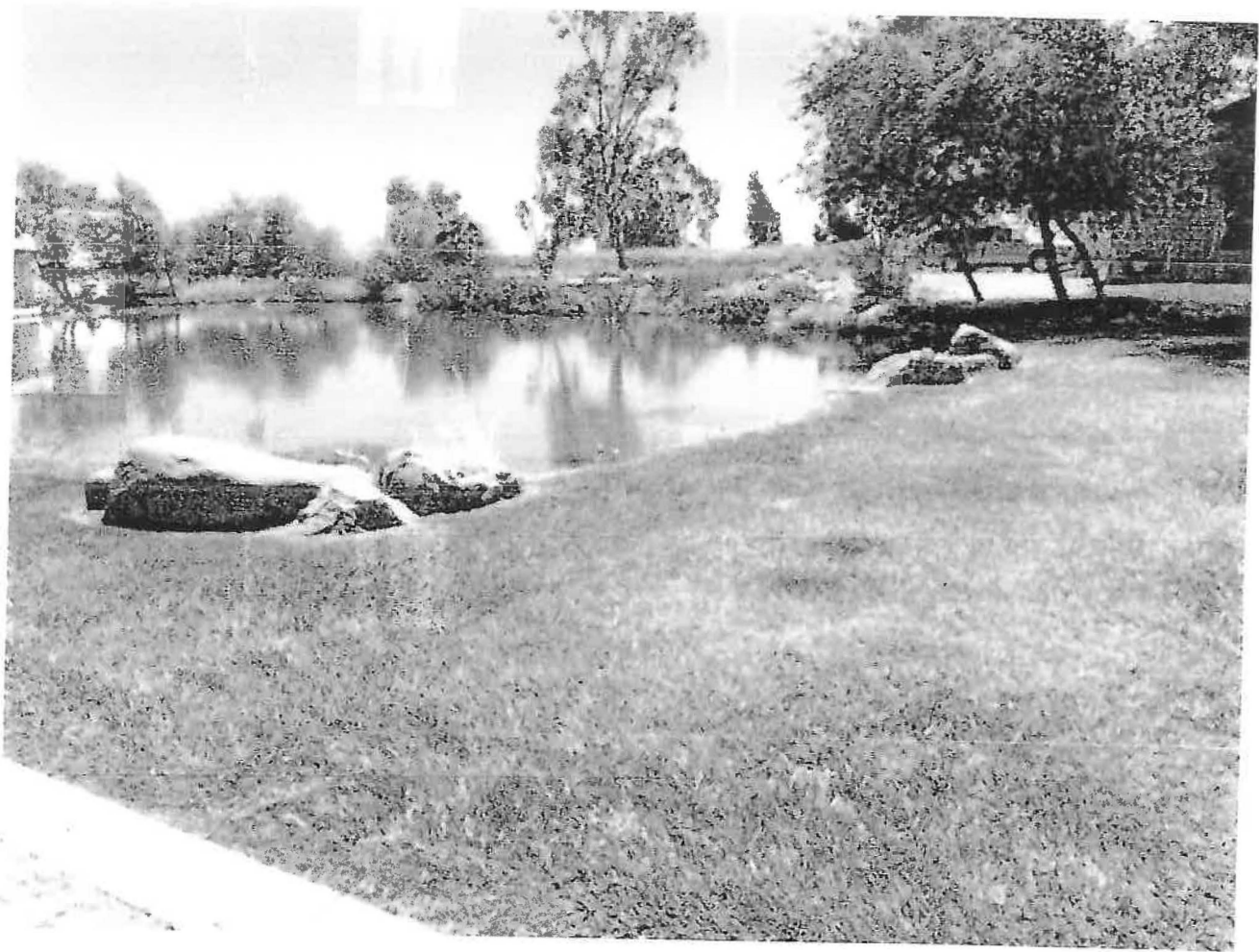
Dated: June 15, 2022

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing facts are true to the best of my knowledge.

Barto Price

Barto Price

W  
1



POND + LAWN

EX 7a. A.



**Family Gun Club**  
June 5, 2010



Google Earth

EX 2.a.A

**Family Gun Club**  
October 10, 2020



EX 2.9. B

E



## **STATEMENT OF DEFENSE**

**BARTO & DONNA PRICE**

**ENFORCEMENT CASE ER2020.021**

**CHARGE NUMBER 3.a. 100 sq. ft. Structure**

**INTRODUCTION:** This issue concerns the "Pump House" which encloses the two Wells on the property. One of the Wells is original from back in the early 1900's. **EXHIBIT 3.a.A** is a photo of the original Pump House and Fire Tower that was long ago replaced by two smaller structures.

**1. Facts or allegations contained in the violation report that you admit (with specific reference to the paragraph number in the violation report):**

Owner added approximately 100 square feet to the existing structure.

**2. Facts or allegations contained in the violation report that you deny (with specific reference to the paragraph number in the violation report):**

No county permit was required to add the approximate 100 sq. ft. and Owner's were unaware a BCDC permit was necessary to cover the new Well pump. However, later, upon County Permit Enforcement inspection a permit was required on the renovated building for a "NEW METAL ROOF, 1 LOUVER, NEW SIDING". A permit was applied for and issued and has become Final (Permit #B2021-0093 See **Exhibit 3.a.B**).

**3. Facts or allegations contained in the violation report of which you have no personal knowledge (with specific reference to paragraph number in the violation report):**

Not Applicable

**4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identify it by name, date, type, and any other identifying information and provide the original or a copy if you can):**

This is the site of the historical domestic well pictured above for the property with an existing 6'x6' well Pump House which replaced it. The replacement is obviously in poor condition (note the power wires and the power pole in a danger leaning state) when Owners purchased the property in 2008 (See **Exhibit 3.a.C**). It should be pointed out, though not shown in Exhibit C, there is a second very small box structure next to it covering the companion Well that was replaced by the irrigation Well. The two aerial photos provided by BCDC taken in 2007 and again in 2008 are not particularly helpful (**Exhibits 3.a.D & E**). What was there in 2007 remained in 2008. It was in 2011 when Owner received a permit from the County of Solano to drill a well adjacent to the existing domestic well and thereafter rebuilt the existing structure by adding the approximately 100 sq. ft.

**5. Any other information, statement, etc. that you want to make:**

This issue is closely associated with Charge No. 8 of drilling a new Irrigation Well. It was drilled at the side of the Pump House, and the Pump House was expanded to house that Well. That was a combined project in 2011 and the BCDC objection to the well being done without a BCDC permit and the 100 sq. ft. addition without a BCDC permit should also be a single complaint because it was a combined project – not two complaints with a proposed penalty of \$30,000 each!

The Owners request that BCDC retroactively grant a permit if one is necessary for the 100 square foot addition to the Pump House and the siding, louver and the metal roof, if necessary and abate the \$30,000 of proposed penalty and instead assess the cost of the permit that should have been paid in 2011 and the penalties associated with the non-payment of that permit.

Certainly the Pump House rebuild and only adding 100 sq. ft to the collapsing structure shouldn't warrant a \$30,000 fine. That seems unconscionable. Owners posit that if a BCDC permit is necessary for the expansion of the Pump House that the penalty be the permit fee and any interest and penalty related to that for not paying until now.

**6. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, title and enclose a copy with this completed form):**

All Exhibits are attached hereto

**7. Name of any person whose declaration under penalty of perjury was listed in the violation report as being part of the staff's case who the respondent wants to cross-examine, all documents about which you want to cross-examine the person, area or areas of information about which the respondent wants to cross-examine the witness, information that the respondent hopes to elicit in cross-examination, and the reason(s) why some other method of proving this information is unsatisfactory:**

No BCCE staff persons have been identified who assisted in the preparation of the charging document. Counsel has been advised that no witnesses will be called at the hearing in support of the charging allegations.

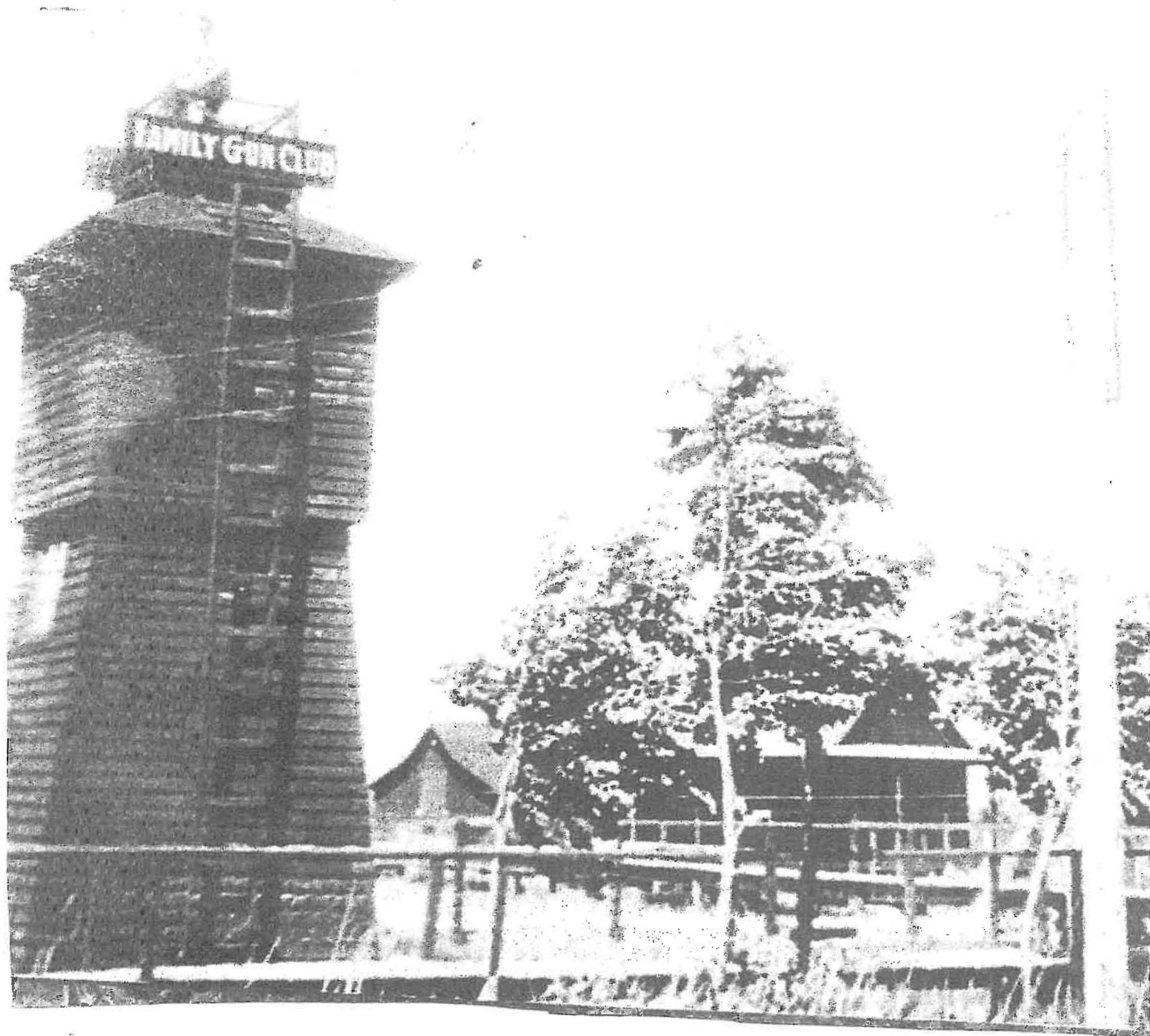
Dated: June 15, 2022

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing facts are true to the best of my knowledge.

Barto Price

Barto Price





1960 Family Gun Club

EX 39.A



DEPARTMENT OF RESOURCE MANAGEMENT  
BUILDING & SAFETY SERVICES

675 TEXAS ST., SUITE 5500  
FAIRFIELD, CA 94533  
Office Number: (707) 784-6765  
24 Hour Inspection Request Line: (707) 784-4750

**BUILDING PERMIT**

Permit No: B2021-0093

Permit Issued By: Denise Feiling

Status: Issued

Applied Date: 1/26/2021

Issued Date: 3/12/2021

Expires Date: 3/12/2023

Job Address: 2 PIERCE LANE

Parcel No.: 0090230110

Valuation: \$12,800.00

Description: NEW METAL ROOF, 1 LOUVER, NEW SIDING - NO INTERIOR WORK \*\*\* PREVIOUSLY CONSTRUCTED PUMP HOUSE IN 1906

Owner: Price Barto B III & Donna L TR  
2 PIERCE LANE

Contractor:

**Licensed Contractor Declaration**

I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division of the Business and Professions Code, and my License is in full force and effect.

License#

License Class

Expiration Date

Date \_\_\_\_\_ Signature \_\_\_\_\_

**Owner/Builder Declaration**

I hereby affirm that I am exempt from the Contractor's License law for the reason:

☐ I, as owner of the property, or my employee with wages as the sole compensation, will do the work, and the structure is not intended or offered for sale (Section 7044, Business and Professions Code).

☐ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project Section 7044, Business and

☐ Owner-Builder intends to perform work and the structure is intended or offered for sale, the applicant must apply with the following conditions:

1. The structure is his or her principal place of residence.

2. He or she has resided in the residence for the past 12 months prior to the work.

3. He or she has not availed his or herself of this exemption on more than two structures more than once during any three-year period.

☐ I am exempt under sec. \_\_\_\_\_ B&PC for this reason \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

**Worker's Compensation Declaration**

I hereby affirm that I have a certificate of Worker's Compensation Insurance, (Section 3800, Lab C.)

Policy Number

Insurance Co.

Expiration Date

Date \_\_\_\_\_ Signature \_\_\_\_\_

**Certificate of Exemption From Workers' Compensation Insurance**

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to Worker's Compensation Laws of California.

Date \_\_\_\_\_ Signature \_\_\_\_\_

Notice to Applicant: If, after making this Certificate of Exemption, you should become subject to Worker's Compensation provision of the Labor Code, you must forthwith comply with such provision or this permit shall be deemed revoked.

**Division of Industrial Safety Permit Classification**

☐ As Owner/Builder, I will not perform or employ anyone to do work which would require a permit from the Division of Industrial Safety, unless such person has a permit to do such work from the division.

☐ Division of Industrial Safety Permit Number \_\_\_\_\_

**Air Quality Permit Certificate**

☐ I hereby affirm that I am not installing nor modifying any equipment which may cause air pollution.

☐ My Air Quality Management District Authority to Construct permit number is \_\_\_\_\_

**Hazardous Materials and Waste Management**

☐ I have read the Hazardous Material Information Guide and understand my requirement under Chapter 6.95 of the California Health and Safety Code Section 25505, 25533, and 25534. \*\*I understand that if the building does not currently have a tenant, that it is my responsibility to notify the occupant of the requirements which must be met prior to issuance of a Certificate of Occupancy. I certify that I have read this application and state that the information is correct. I agree to comply with all county ordinances and state laws relating to building construction, and hereby authorize representatives of the county to enter the above property for inspection purposes.

☐ I will submit a Construction and Demolition Waste Management Plan and/or Report, with receipts, documenting compliance with State Law to divert a minimum of 65% of non-hazardous waste from landfills through recycling or re-use.

Applicants Signature \_\_\_\_\_

Date \_\_\_\_\_

EX 3.00





64222

EX 3.a.D

Family Gun Club

May 31, 2007

EXHIBIT C



Google Earth



**Family Gun Club**

August 31, 2008



Google Earth

300 ft

N



F

## **STATEMENT OF DEFENSE**

**BARTO & DONNA PRICE**

**ENFORCEMENT CASE ER2020.021**

### **CHARGE NUMBER 4a. 2,000 sq. ft. Structure**

**1. Facts or allegations contained in the violation report that you admit (with specific reference to the paragraph number in the violation report):**

The structure as taken down by the prior owners was reassembled using some but not all new materials (See **Exhibit 4.a.A**). A picture of the old structure is attached as **Exhibit 4.a.B**. and is referred to as the "Old Barn." A picture of the front of the reassembled "Old Barn" is superimposed on Exhibit B

**2. Facts or allegations contained in the violation report that you deny (with specific reference to the paragraph number in the violation report):**

The reassembled structure sits on the same foundation setting as the old and is 1,560 sq. ft. as was the old.

**3. Facts of allegations contained in the violation report of which you have no personal knowledge (with specific reference to paragraph number in the violation report):**

Not Applicable

**4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identify it by name, date, type, and any other identifying information and provide the original or a copy if you can):**

The old structure which a prior owner took down was basically a pole barn building with siding, roof and doors. The building had to come down because the supporting vertical structure beams (the poles) had rotted at their base. The building as disassembled was stored on the floor of the old building. The new structure is the same size as its predecessor because of the reuse of the trusses and main beams and much of the roof structure and is reassembled on exactly the same foot print as the original building.

**5. Any other information, statement, etc. that you want to make:**

When Owners learned a county permit was required to reassemble the barn they applied retroactively for a permit to Solano County. As of April 28, 2022 county permit number B2021-1342 is presently under review. **Exhibit Intro A**

Owners request the proposed penalty of \$30,000 be abated and replaced buy the cost of the BCDC permit allowing the reassembled structure and assess the permit fee plus any late charges that may be associated with that.

6. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, title and enclose a copy with this completed form):

All Exhibits are attached hereto

7. Name of any person whose declaration under penalty of perjury was listed in the violation report as being part of the staff's case who the respondent wants to cross-examine, all documents about which you want to cross-examine the person, area or areas of information about which the respondent wants to cross-examine the witness, information that the respondent hopes to elicit in cross-examination, and the reason(s) why some other method of proving this information is unsatisfactory:

No BCCE staff persons have been identified who assisted in the preparation of the charging document. Counsel has been advised that no witnesses will be called at the hearing in support of the charging allegations.

Dated: June 15, 2022

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing facts are true to the best of my knowledge.

Barto Price  
Barto Price (Jun 16, 2022 12:17 PDT)

Barto Price



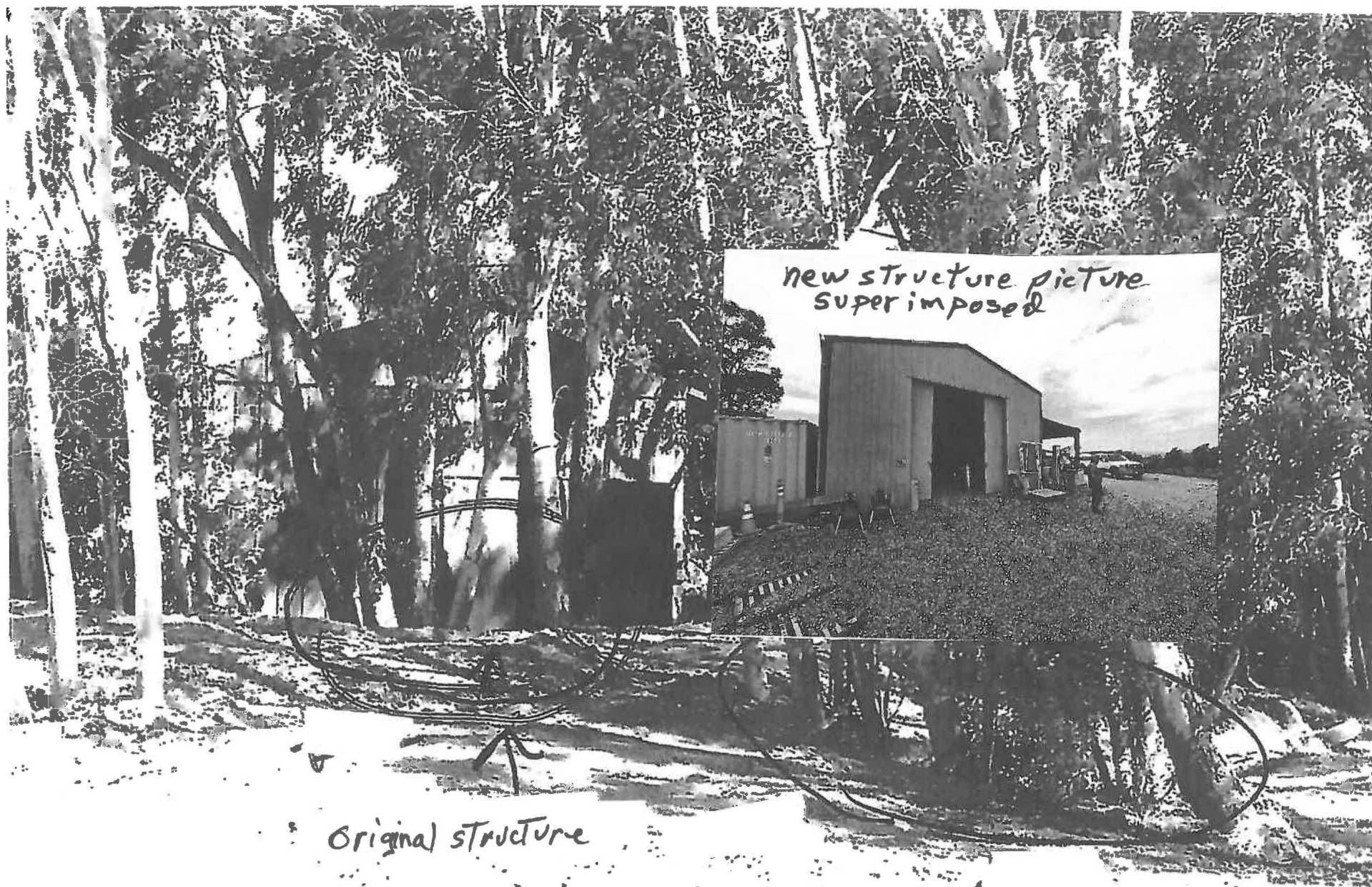
From: bart@camechanical.com,  
To: Striclybis@aol.com,  
Date: Sat, Jun 11, 2022 12:58 pm

Attachments:



FY4.1





new structure picture  
superimposed

Original structure

EX 40.8



**From:** bart@camechanical.com,  
**To:** Striclybis@aol.com,  
**Subject:** Fwd: 2 Pierce Lane  
**Date:** Fri, Apr 29, 2022 3:25 pm  
**Attachments:**

---

Sent from my iPhone

Begin forwarded message:

**From:** Bart Price <bart@camechanical.com>  
**Date:** April 28, 2022 at 2:42:22 PM PDT  
**To:** Donna <Striclybis@aol.com>  
**Subject:** Fwd: 2 Pierce Lane

Sent from my iPhone

Begin forwarded message:

**From:** "Feiling, Denise M." <DMFeiling@solanocounty.com>  
**Date:** April 28, 2022 at 1:20:59 PM PDT  
**To:** Bart Price <bart@camechanical.com>  
**Cc:** "Tippett, Robert S." <RSTippett@solanocounty.com>  
**Subject:** 2 Pierce Lane

Hello Bart,

Below you will find a status of the building permits for 2 Pierce lane, parcel #0090-230-110

Permit #	Status	Scope of work
B2021-1341	In review	Remodel garage 840 sq ft
B2021-1342	In review	Remodel barn 1560 sq ft
B2021-1343	In review	Exterior work, mud room
B2021-0262	Final	New roof, windows, siding
B2021-0090	Final	Reroof club meeting hall
B2021-0092	Issued	Boathouse remodel windows, siding, metal roof
B2021-0093	Final	Pump house, new roof, siding

EX Intro A

G

## **STATEMENT OF DEFENSE**

**BARTO & DONNA PRICE**

**ENFORCEMENT CASE ER2020.021**

### **CHARGE NUMBER 5.a. Bridge Construction**

**1. Facts or allegations contained in the violation report that you admit (with specific reference to the paragraph number in the violation report):**

Owners Admit they placed an existing Railroad Spur/Bridge across the internal slough as pictured in **EXHIBIT 5.a.A** of the BCDC aerial photograph.

The Bridge is more easily comprehended by comparing to **EXHIBIT 5.a.B**, which is a similar aerial photo from 14 years before **Exhibit 5.a.A**, showing at that 90 degree angle of the internal slough – no bridge across it. The placement of the bridge was done without a BCDC permit, the Owners not suspecting that such a permit would be required.

**2. Facts or allegations contained in the violation report that you deny (with specific reference to the paragraph number in the violation report):**

No Response.

**3. Facts or allegations contained in the violation report of which you have no personal knowledge (with specific reference to paragraph number in the violation report):**

Not Applicable.

**4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identify it by name, date, type, and any other identifying information and provide the original or a copy if you can):**

EXHIBIT 5.a.C is a picture of the Bridge as presently installed.

In the summer of 2015, a leak in exterior water control structure at the channel entrance to Goodyear Slough was stopped and the adjacent managed wetland and ditch was dried out. When the ditch bottom was dewatered and became exposed Owners discovered this existing railroad spur/ bridge buried in the mud just a few feet down the channel from where the bridge presently resides. Owners placed it on the ditch bank across the water supply ditch in its current location.

In 2019, Owner's insurance agent said this walk bridge should have handrails, so those were added. This no doubt is what BCDC interprets in its charge of "hardening" the bridge. If

necessary, the walk bridge can easily be lifted and removed from its current resting place but it is a major convenience for the member of the Family Gun Club.

**5. Any other information, statement, etc. that you want to make:**

CONCLUSION: It is assumed that sometime in its history, the bridge actually did span that internal canal but likely due to some historical flooding event it washed out and sunk to the bottom of that slough and it wasn't until the property was completely drained was the bridge discovered. It easily fit across the canal and it is convenient for accessing two duck blinds and access to the Number One Flood Gate and two Drain Weirs. The Owners, therefore, would ask that BCDC issue a permit so the bridge can stay in place. But, as noted earlier, if for some reason BCDC won't permit that bridge, it can be easily lifted out

Conclusion: Owners request BCDC permit the bridge and the \$30,000 fine be abated and be replaced by whatever permit is required plus penalties for its late application.

**6. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, title and enclose a copy with this completed form):**

All Exhibits are attached hereto

**7. Name of any person whose declaration under penalty of perjury was listed in the violation report as being part of the staff's case who the respondent wants to cross-examine, all documents about which you want to cross-examine the person, area or areas of information about which the respondent wants to cross-examine the witness, information that the respondent hopes to elicit in cross-examination, and the reason(s) why some other method of proving this information is unsatisfactory:**

No BCCE staff persons have been identified who assisted in the preparation of the charging document. Counsel has been advised that no witnesses will be called at the hearing in support of the charging allegations.

Dated: June 15, 2022

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing facts are true to the best of my knowledge.

Barto Price

Barto Price (Jun 16, 2022 12:47 PDT)

Barto Price

EX 5a.A

**Family Gun Club**

October 10, 2020



Google Earth



EX 5.a.8

EXHIBIT E

Family Gun Club

May 31, 2007

Google Earth





EV 200

H



**STATEMENT OF DEFENSE**  
**BARTO & DONNA PRICE**  
**ENFORCEMENT CASE ER2020.021**  
**CHARGE NUMBER 8.a. Irrigation Well**

**1. Facts or allegations contained in the violation report that you admit (with specific reference to the paragraph number in the violation report):**

Owners Admit a new Irrigation Well was drilled on the property in the very near vicinity of the "Pump House" that is the subject of Charge Number 3 in this proceeding. A County permit was issued for the drilling of the Well.

**2. Facts or allegations contained in the violation report that you deny (with specific reference to the paragraph number in the violation report):**

Owners were unaware that a BCDC permit was required.

**3. Facts of allegations contained in the violation report of which you have no personal knowledge (with specific reference to paragraph number in the violation report):**

Not Applicable

**4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identify it by name, date, type, and any other identifying information and provide the original or a copy if you can):**

In 2009 California Waterfowl Association (CWA) biologists Jeremy Ash and Robert Eddings approached Owners with the proposal of putting an irrigation Well on the subject property. This request was in furtherance of the *Suisun March Managed Wetlands Enhancement Project. Phase II*. This Project (hereafter "Plan") was jointly "developed by the U.S. Soil Conservation Service and the Suisun Resource Conservation District and certified by the California Department of Fish and Game and the **San Francisco Bay Conservation and Development Commission.**" [emphasis added] See **Exhibit 8.a.A**. It was explained to Owners that CWA and the Plan was in part interested in getting fresh Well water pumped onto the West Side of the Marsh to dilute the selenium in the slough waters especially in dry years.

CWA took the lead in pursuing the Grant for cost-share of the Well pursuant to the North American Wetland Conservation Act (hereafter "NAWCA"). The Grant was approved and in March, 2011 the Permit for the Well was issued by the Department of Resource Management, County of Solano (See **Exhibit 8.a.B**) and the filed Completion Report (**Exhibit 8.a.C** attached hereto).

**5. Any other information, statement, etc. that you want to make:**

**CONCLUSION:**

1. The drilling of the subject Well, which is the Charge herein, and Charge Number 3, the addition of the 100 sq. ft. to the Pump House structure to house the pump for this new well, are closely associated and should be considered one project and if a fine is necessary one such fine assessed as opposed to the two presently assessed totaling \$60,000.

2. The Owners propose that given the language in the NAWCA Grant which included a statement that the program allowing for a Well was approved by BCDC and their own naivete in regard to BCDC jurisdiction over the entirety of the Suisun Marsh could be quite understandable that there was no permit involved here. The Owners request that the Well be permitted that the proposed penalties be abated in favor of a penalty that would be assessed for the retroactive permit for the Well and reasonable penalties or late charges associated with that fee thereafter.

**6. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, title and enclose a copy with this completed form):**

All Exhibits are attached hereto

**7. Name of any person whose declaration under penalty of perjury was listed in the violation report as being part of the staff's case who the respondent wants to cross-examine, all documents about which you want to cross-examine the person, area or areas of information about which the respondent wants to cross-examine the witness, information that the respondent hopes to elicit in cross-examination, and the reason(s) why some other method of proving this information is unsatisfactory:**

No BCCE staff persons have been identified who assisted in the preparation of the charging document. Counsel has been advised that no witnesses will be called at the hearing in support of the charging allegations.

Dated: Jun 16, 2022

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing facts are true to the best of my knowledge.

Barto Price

Barto Price (Jun 16, 2022 12:47 PDT)

Barto Price



Contract Number: NAWCA #CA-N981B

Project Name (Duck Club Name): Family Club  
Corporation or Business Name:  
Cooperator (Individual Authorized to Sign Agreement): Bart Price  
NAWCA Grant Contribution: \$90,000  
Landowner Grant Contribution: \$44,000

NORTH AMERICAN WETLAND CONSERVATION ACT

Suisun Marsh Managed Wetlands Enhancement Project, Phase II, California

SUISUN MARSH PRIVATE LANDOWNER GRANT AGREEMENT

This Grant Agreement (the "Agreement") dated February 1, 2011 is entered into between Bart Price, #2 Pierce Lane, Benicia, CA 94510 (the "Owner") and California Waterfowl Association ("CWA").

- A. The Owner hereby agrees to participate with CWA in carrying out certain wetland restoration and/or enhancement measures located on lands in which Owner has an interest or lands that are owned by Owner in Solano County, State of California (the "Land") (as more particularly described in the location map attached to and made a part of this Agreement as Exhibit A).
- B. By signing this Agreement, the Owner in cooperation with CWA agrees to carry out the wetland restoration and/or enhancement measures outlined in Exhibit B (the "Project") (attached to this Agreement and made a part of this Agreement by this reference) on the Land. Further, the Owner agrees to carry out a basic habitat management plan ("Management Plan") on the Land, as set forth in Exhibit C attached to this Agreement and incorporated into this Agreement by reference. This Management Plan was developed by the U.S. Soil Conservation Service and the Suisun Resource Conservation District (SRCD), and certified by the California Department of Fish and Game and the San Francisco Bay Conservation and Development Commission. The Owner agrees to maintain all cost shared capital improvements on the Land for 30 years beginning September 1, 2009, and ending September 1, 2039. The Project is being completed pursuant to the North American Wetland Conservation Act Grant.
- C. The term of this Agreement will begin February 1, 2011 and terminate February 1, 2041.
- D. In the event that the Land or any portion thereof on which the Project takes place ceases, in the reasonable opinion of CWA, to be used in whole or in part for the purpose for which the Project is intended, the Owner agrees, at CWA election, to:
1. Acquire title to and manage real property that is of equal value to the Land, or the portion of the Land that ceases to be used for the purpose for which the Project is intended, and that will serve the purpose for which the original Project was undertaken; or, as a last resort,
  2. Repay to CWA, on terms and conditions satisfactory to CWA, in cash or cash equivalent, the funds received by the Owner under this Agreement, plus interest at the prime rate at the time of repayment.

Exhibit B  
SPECIAL PROVISIONS  
(Planned Measures)

The wildlife habitat developments described below are agreed to by Morrow Island Land Company and the California Waterfowl Association (CWA) as of 26 day of January, 2011.

**Project Description:**

The Family Club will have approximately 150 acres of palustrine emergent wetlands enhanced by improving water supply and management capabilities. In 2008, the landowner began the daunting task of filling in a large ditch at the toe of the exterior levee. The ditch is the underlying cause of widespread levee instability and poor circulation. The material to fill the ditch came from spoils created from the development of swales and the removal of a berm (which also impaired water conveyance) adjacent to the ditch. The efforts have not only stabilized the levee, but have greatly improved circulation, drainage and waterfowl food production. It is the intent of this proposed project to expand these efforts and fill in the remaining portion of the ditch. In addition, a new deep well will be installed to improve fresh water supplies to the marsh year-round. A new 4,000' PVC pipeline will also be installed to distribute the water throughout the wetlands efficiently

**Tract 5 – Family Club: Enhancement Budget Justification - \$194,000 and 150 acres**  
**Grant - \$90,000 Match - \$104,000 Non-Match - \$0 Completion: 2011**

Item & Work	Units	\$/unit	Total \$	Schedule (month, year)	Funding Source (Grant or Partner name)
CONTRACTS					
Swale Development (New & Old)	32,000    cyds	\$2.50    /cyd	\$80,000	2010- 2012	Family Club
PVC Pipeline Installation	4,000    ft	\$3.00    /ea	\$12,000	2010- 2011	Family Club
New Well Installation	lump sum		\$82,000	2010- 2011	Grant
Subtotal Contracts			\$174,000		
MATERIALS and EQUIPMENT					
PVC Pipe & Valves	4,000    ft	\$5.00    /ft	\$20,000	2010- 2011	Grant/Family Club
Subtotal Materials and Equipment			\$20,000		
TOTAL ENHANCEMENT DIRECT COSTS					\$194,000

NAWCA Contribution \$90,000

Landowner Contribution \$44,000 new match plus any additional costs



(707) 784-6765  
Fax: (707) 784-4805

**RECEIVED**  
**MAR 04 2011**  
**COUNTY OF SOLANO**  
**RESOURCE MANAGEMENT**  
**WELL / BORING PERMIT APPLICATION**

# Department of

**Resource Management**  
675 Texas Street, Suite 5500  
Fairfield, California 94533  
Environmental Health Division  
[www.solanocounty.com](http://www.solanocounty.com)

\$613.00 needed

For Office Use Only - Environmental Health	
Program # <u>465</u>	Sweep#:
Fee Paid on: <u>3/10/11</u>	\$ <u>613.00</u>
Receipt# <u>974553</u>	Permit Expires
Permit/Log #: <u>W2011-0052</u>	
Site Approved: <u>[Signature]</u>	

Complete one application per Assessor's Parcel. A scaled site plan illustrating the well/boring locations, along with appropriate fee shall be submitted with the application. Please indicate who should receive the permit by checking the appropriate boxes. 0040-230-110

Well Site Address 2 Pierce Lane City Benicia APN# 0040-230-110

☒ Property Owner Bart Price Phone 510-760-0474  
Mailing Address 2227 American Ave nue City/State/Zip Hayward, CA 94545

☐ Well Owner (if different from property owner) \_\_\_\_\_  
Address \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

☒ Drilling Contractor Martell Water Systems, Inc. Phone 925-432-4282  
Address 1818 Loveridge Road, Pittsburg, CA License Number 510952 Expires 5/31/11

☐ Consultant \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Address \_\_\_\_\_ City/State/Zip \_\_\_\_\_

**WORKERS' COMPENSATION DECLARATION:** I affirm that I have a certificate of consent to self-insure or a certificate of Workers' Compensation Insurance, or a certified copy thereof (Sec. 3800, Lab. C.) \_\_\_\_\_ Certified copy is hereby furnished. ☒ Certified copy is filed with the Solano County Environmental Health Division. (Check which applies)

Date 3/11/11 Applicant [Signature]

**CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE:** (This section need not be completed if the permit is for work valued at five hundred dollars (\$500) or less.) I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California.

Date \_\_\_\_\_ Applicant \_\_\_\_\_

**NOTICE TO APPLICANT:** If, after making this Certificate of Exemption, you should become subject to the Workers' Compensation provisions of the Labor Code, you must forthwith comply with such provisions or this permit shall be deemed revoked.

Please specify the number of each (borings/wells/etc)

Technical Section - Program 2917		Hazardous Materials Program 2918 Site Mitigation/LOP Program 2919	
<b>Water (Pumping) Well</b>	<b>Geotechnical Investigation</b>	<b>Hazwaste/UST/ Site (Chemical) Investigation</b>	
Construction <input checked="" type="checkbox"/>	Exploratory Borings _____	Exploratory Borings _____	Monitoring Well Const (Leak) _____
Repair or Reconstruction <input checked="" type="checkbox"/>	Well Construction _____	Vapor Sampling Inv. _____	Monitoring Well Const (Compliance) _____
Destruction _____	Well Destruction _____	Monitoring Well Dest _____	Monitoring Well Const (Baseline study) _____
Cathodic Protection _____	Other _____	Air Sparging Well _____	Vapor Extraction Well _____
Dewatering _____		Other _____	Other _____

Drilling Method	Well Casing Material Information	Well/Boring Annular Seal
Kotary <input checked="" type="checkbox"/>	Steel _____	Total Depth of Boring/Well _____ ft
Cable _____	PVC <input checked="" type="checkbox"/>	Width of Annular Space _____ in
Hollow Stem Auger _____	Other _____	Well Construction & Sealing Material
Pneumatic _____	Proposed Depth of Screen _____ ft	Neat Cement _____ ft
Other _____	Wall/Gauge _____ in	Sand _____ ft
	Casing Diameter <u>8</u> in	Concrete _____ ft
	Well Bore Diameter _____ in	Bentonite _____ ft

Project description and additional details of work: Irrigation Water Well

I agree to comply with all regulations of the Solano County Code Chapter 13.10 pertaining to well construction, repair, modification, destruction and abandonment. A properly licensed well driller in possession of a valid C-57 contractor's license shall furnish Environmental Health Services Division a complete well log. The Applicant shall also submit a report of findings to Environmental Health Services Division upon completion of the work.

Applicant [Signature] Date 3/12/11  
RECEIVED ECH well-boring permit application.doc

FXR.B



STATE OF CALIFORNIA  
WELL COMPLETION REPORT

OWNER'S WELL No. 1-11

Date Work Began 3/16/11 Ended 3/31/11

Local Permit Agency SOLANO COUNTY

Permit No. W2011-0052 Permit Date 3/16/2011

No. e0128006

DWR USE ONLY — DO NOT FILL IN

STATE WELL NO. STATION NO.

LATITUDE

LONGITUDE

APN / TRS / OTHER

GEOLOGIC LOG

WELL OWNER

DEPTH FROM SURFACE Ft.	DEPTH TO FIRST WATER UKN... (ft.) BELOW SURFACE Ft.	DESCRIPTION
0	3	CLAY
3	40	PEET DIRT
40	80	BLUE CLAY
80	82	BLACK ROCK
82	85	GREY CLAY
85	142	GREY ROCK AND CLAY
142	144	GREY CLAY
144	148	GREY ROCK AND CLAY
148	225	GREY CLAY AND SOME ROCK
225	250	BROKEN GREY ROCK
250	280	BLACK ROCK
280	290	GREY SOFT SANDY SHALE

BART PRICE

2227 AMERICAN AVENUE

HAYWARD

CA 94545

WELL LOCATION

Address 2 PIERCE LANE

City BENICIA

County SOLANO

Apn Book 0090

Page 230

Parcel 110

or Township

S

Range

E

Section

1/4

1/4

Latitude

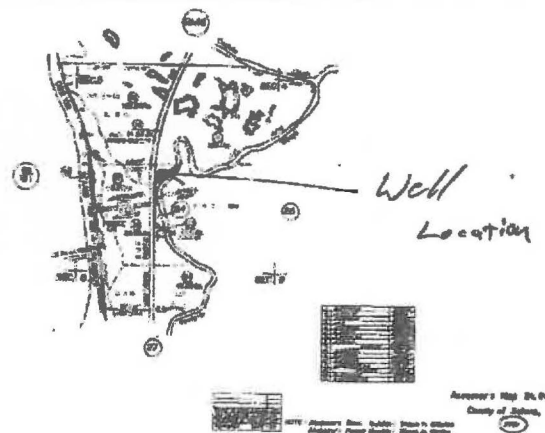
Deg Min Sec

NORTH Longitude

Deg Min Sec

WEST

LOCATION SKETCH



CONTINUED (DEPTH FROM SURFACE)

220	280	15" SCREEN PVC 8" SDR17 032
280	290	15" BLANK PVC 8" SDR17

TOTAL DEPTH OF BORING 290 (Feet)

TOTAL DEPTH OF COMPLETED WELL 290 (Feet)

ACTIVITY	NEW WELL	PLANNED USE(S)	IRRIGATION
DRILLING METHOD	Air Rotary	FLUID	BENTONITE
DEPTH OF STATIC WATER LEVEL	+2 (Ft.)	DATE MEASURED	3/30/11
ESTIMATED YIELD	* 160 (G.P.M.)	TEST TYPE	AIR LIFT
TEST LEGENTH	4 (Hrs)	TOTAL DRAWDOWN	200 (FT.)
*May not be representative of a well's long-term yield.			

DEPTH FROM SURFACE				BORE-HOLE				CASING				DEPTH FROM SURFACE				ANNULAR MATERIAL			
Ft.	To	Ft.	DIA.	TYPE	Material / Grade	Dia.	Gage	Slot size	Ft.	To	Ft.	Ft.	To	Ft.	Seal Material	Filter Pack (Type / Size)	Ft.	To	Ft.
+2	48	24		BLANK	Steel	18	250		0	47	11 sk. grout					Cement			
+1	80	15		BLANK	PVC	8	SDR17		20	290	#8-8					SAND			
80	160	15		SCREEN	PVC	8	SDR17	032											
160	180	15		BLANK	PVC	8	SDR17												
180	200	15		SCREEN	PVC	8	SDR17	032											
200	220	15		BLANK	PVC	8	SDR17												

- Attachments
- no. Geologic Log
  - no. Well Construction Diagram
  - no. Geophysical Logs
  - no. Soil Water Chemical Analyses
  - no. Other

CERTIFICATION STATEMENT

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

NAME Martell Water Systems, Inc. Driller: Randy Myers

(PERSON, FIRM, OR CORPORATION) (TYPED OR PRINTED)

1818 Loveridge Rd Pittsburg CA 94565

Signed *[Signature]* 4-6-11 510952

WELL DRILLER / AUTHORIZED REPRESENTATIVE DATE SIGNED C- 57 LICENSE NUMBER

FV R A C





## STATEMENT OF DEFENSE

BARTO & DONNA PRICE

ENFORCEMENT CASE ER2020.021

CHARGE NUMBER 9.a. Family Club Clays

**1. Facts or allegations contained in the violation report that you admit (with specific reference to the paragraph number in the violation report):**

Owners Admit that during the off-season, they allow to operate on their property as part of the Sporting Clays Course, for the pleasure of the Family Club Members and their guests.

**2. Facts or allegations contained in the violation report that you deny (with specific reference to the paragraph number in the violation report):**

1. Owners deny that "a commercial shooting range is being operated on the property"
2. Owners deny that any events are open to the general public.

**3. Facts of allegations contained in the violation report of which you have no personal knowledge (with specific reference to paragraph number in the violation report):**

Not Applicable.

**4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identify it by name, date, type, and any other identifying information and provide the original or a copy if you can):**

After the Waterfowl season, when the property has been drained, the Owners do set up a sporting clays course for the members of the Family Gun Club to use. This has not now, and never has been open to the public. It is not a commercial operation in any stretch of the imagination. The main complainant, Peter Tira, to BCDC alleges that the sporting clays on the Family Gun Club is a *"budding commercial, large-scale enterprise with hundreds of thousands of dollars of newly installed equipment..."* Mr. Tira also says: *"they are depositing hundreds of pounds of lethal, toxic shot into the environmentally sensitive and protected Suisun Marsh.."* These are scurrilous and reckless allegations by Mr. Tira. Only members and their guests may use the Club for shooting the clay targets and only steel shot is permitted.

Matt Emig is a Family Club member who is in charge of overseeing the sporting clays shooting which is open to members and their guests on Thursdays, Fridays, Saturdays and Sundays after the Waterfowl season has ended and the property has been drained. The clay shooting ends the first week of October in readiness for the Waterfowl Season.

It is hard for Owners to understand why this charge has come up now, other than by the wildly unsupported false allegations of Mr. Tira. Included herewith is a July 9, 2020 email from BCDC employee, Erik Buehmann, to Matt Emig indicating that the sporting clay hunting on the Duck Club would not constitute a change in use or development that would require a BCDC permit. A copy of that email to Matt Emig is attached hereto as **Exhibit 9.a.A.**

It may be that in the 4 page memo supplied to BCDC and part of its Exhibit I to this charge that BCDC takes issue with the Civic Involvement of the Club. There is a list of all the non-profit organizations that have been allowed to use the Club facilities for a fund raising activity to support each's primary purpose. The Club leadership has felt that this is an important part of good civic responsibility and have been pleased to assist in the organization and operation of those various events. On average there might be just four or five of those each year. If BCDC Commissioners believe that those civic activities should be discontinued that can be done without issue.

For BCDC information, the sporting clay course has no permanent fixtures imbedded into the ground in the shooting area. Everything is portable and can be trailered and stored properly on the premises as the Waterfowl season approaches and the property is flooded. Exhibit I to the allegations herein show one of the shooting stations on the sporting clay course. Obviously there is nothing permanent there. **Exhibit 9.a.B** is a series of pictures of other shooting stations which are typical. Nothing is in the ground, this certainly doesn't amount to "hundreds of thousands of dollars of equipment!" Lastly, each member of the Family Gun Club is given a membership card. This is an electronic card about 2.5 inches wide and 4 inches long which allows access to the closed gate onto the property and is used for keeping count of the clay targets a shooter may use during his/her time at the club.

**5. Any other information, statement, etc. that you want to make:**

CONCLUSION: The Owners request that this charge be dismissed in its entirety and the proposed fine of \$30,000 be abated and BCDC affirm that no operating permit for the sporting clays activity for members and their guests require a permit. As previously advised by BCDC employee Erik Buehmann.

If BCDC concludes that assisting the few civic, non profit organizations with a fund raiser is beyond the limits allowed it will be immediately stopped. Once again, however, it is requested that the penalty be abated given the good that has come from the fundraisers allowed.

**6. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, title and enclose a copy with this completed form):**

All Exhibits are attached hereto

7. Name of any person whose declaration under penalty of perjury was listed in the violation report as being part of the staff's case who the respondent wants to cross-examine, all documents about which you want to cross-examine the person, area or areas of information about which the respondent wants to cross-examine the witness, information that the respondent hopes to elicit in cross-examination, and the reason(s) why some other method of proving this information is unsatisfactory:

No BCCE staff persons have been identified who assisted in the preparation of the charging document. Counsel has been advised that no witnesses will be called at the hearing in support of the charging allegations.

Dated: June 15, 2022

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing facts are true to the best of my knowledge.

Barto Price

Barto Price (Jun 16, 2022 12:47 PDT)

Barto Price



**From:** Buehmann, Erik@BCDC <erik.buehmann@bcd.ca.gov>

**Sent:** Thursday, July 9, 2020 1:07 PM

**To:** Matt Emig <mattemig@hotmail.com>

**Subject:** RE: Duck Club Inquiry - Property 423 Family Club

Hi Matt,

I checked with the rest of the team and confirmed that BCDC does not regulate duck club membership, and that clay hunting in an existing established duck club would not constitute a change in use or "development" that would require a BCDC permit. Again, thanks for reaching out to us and if you have any questions in the future don't hesitate to contact me.

Erik

Erik Buehmann

Bay Resources Permit Program Manager

415-352-3645

[erik.buehmann@bcd.ca.gov](mailto:erik.buehmann@bcd.ca.gov)

EX 9.2.21

**2020.07.21 ER2020.021.00 Barto and Donna Price site visit 2 Pierce Lane, Benicia, CA APN 0090-230-110**

Site visit by Priscilla Njuguna 1 PM to 2 PM. (see course pictures)

Coordinated site visit with Solano County Code Enforcement Compliance Officer Scott Robert Tippet (cell phone 703-851-7847).

Met with Mr. Price who introduced me to Matt Emig and a 75-year-old local resident friend of Mr. Price who was described as very knowledgeable about BCDC's jurisdiction to provide a tour of clay duck hunting course beginning with area for experienced hunters to the area for less experienced hunters.

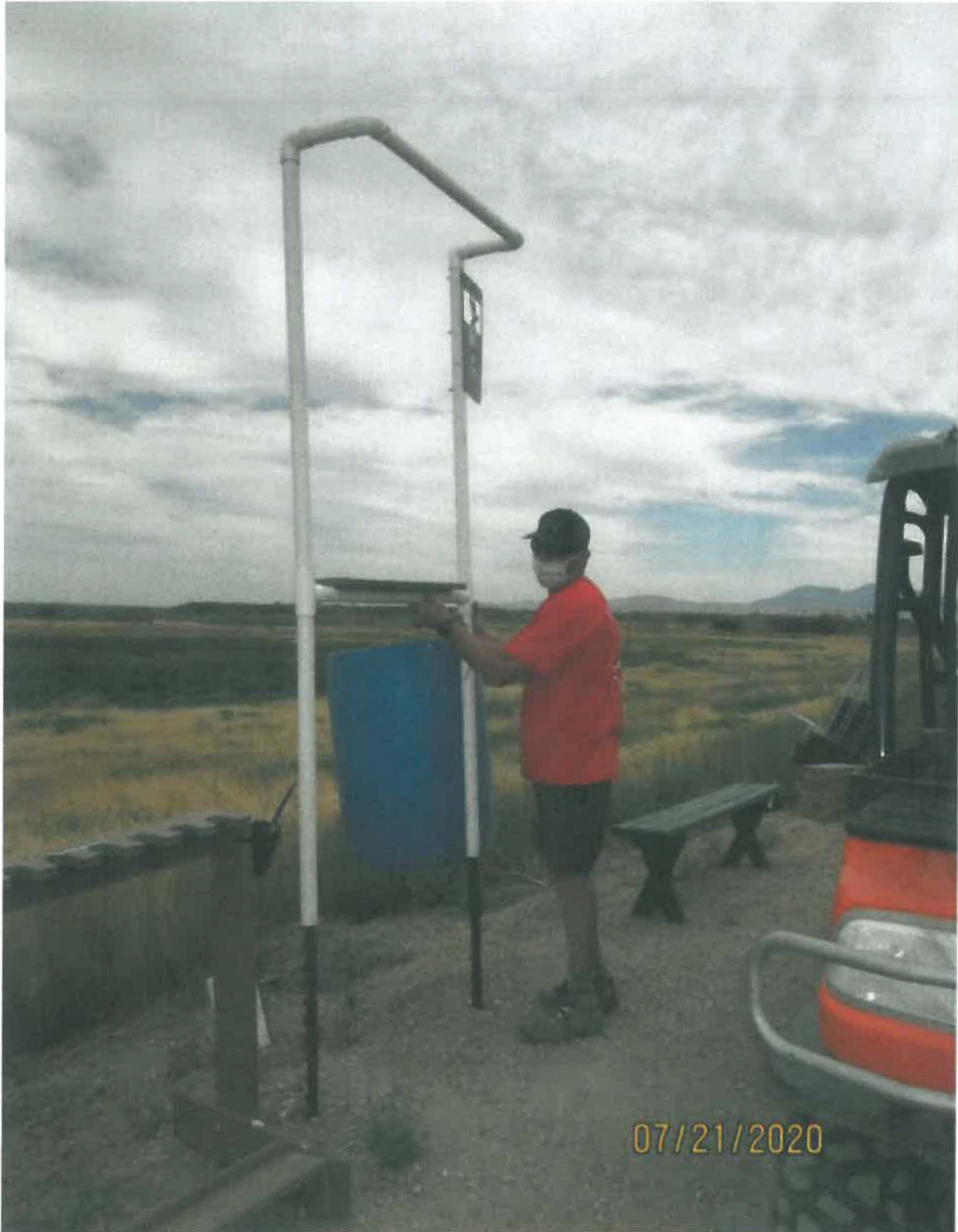
Lift equipment reported was for raising of duck hunting targets—two converted construction small crane lifts (in photos IMG.1028, 1052 and 1062). Per Matt Emig (707)-718-7973 who manages the course changes were being made to keep the course interesting for duck hunters. All parts of course are removable including target launching equipment that has been temporarily staged at each location. The exception to installation is the metal tracks under the brackets used in the inexperienced duck hunter section (IMG.1051, IMG.1052) which have been pinned down but can easily be removed.

No duck hunting course equipment has been placed in any wet habitat.

Spoke to Mr. Price at the conclusion of the visit. Informed him that buildings added without permits will need to be permitted after approvals are obtained from Solano County's buildings and permits departments and will result in double permit fees if and when an after-the-fact permit is issued that Mr. Price needs to apply for.

Scott Tippet shared the photos he took of the unpermitted buildings which was part of a report saved in the ER2020.021.00 file.

EX 9.a.A/2



Documentation that all course equipment is detachable



Spacing between areas used by less experienced course users



From: bart@camechanical.com,  
To: Striclybis@aol.com,  
Date: Mon, Jun 13, 2022 7:09 pm  
Attachments:

---



Eyo. A